

NORTH EAST AREA BIKEWAY DESIGN STUDY

AS PART OF THE IMPLEMENTATION OF THE
PENNSYLVANIA COASTAL ZONE MANAGEMENT PROGRAM

NOVEMBER 1985

Coastal

TE
301
.V73
1985

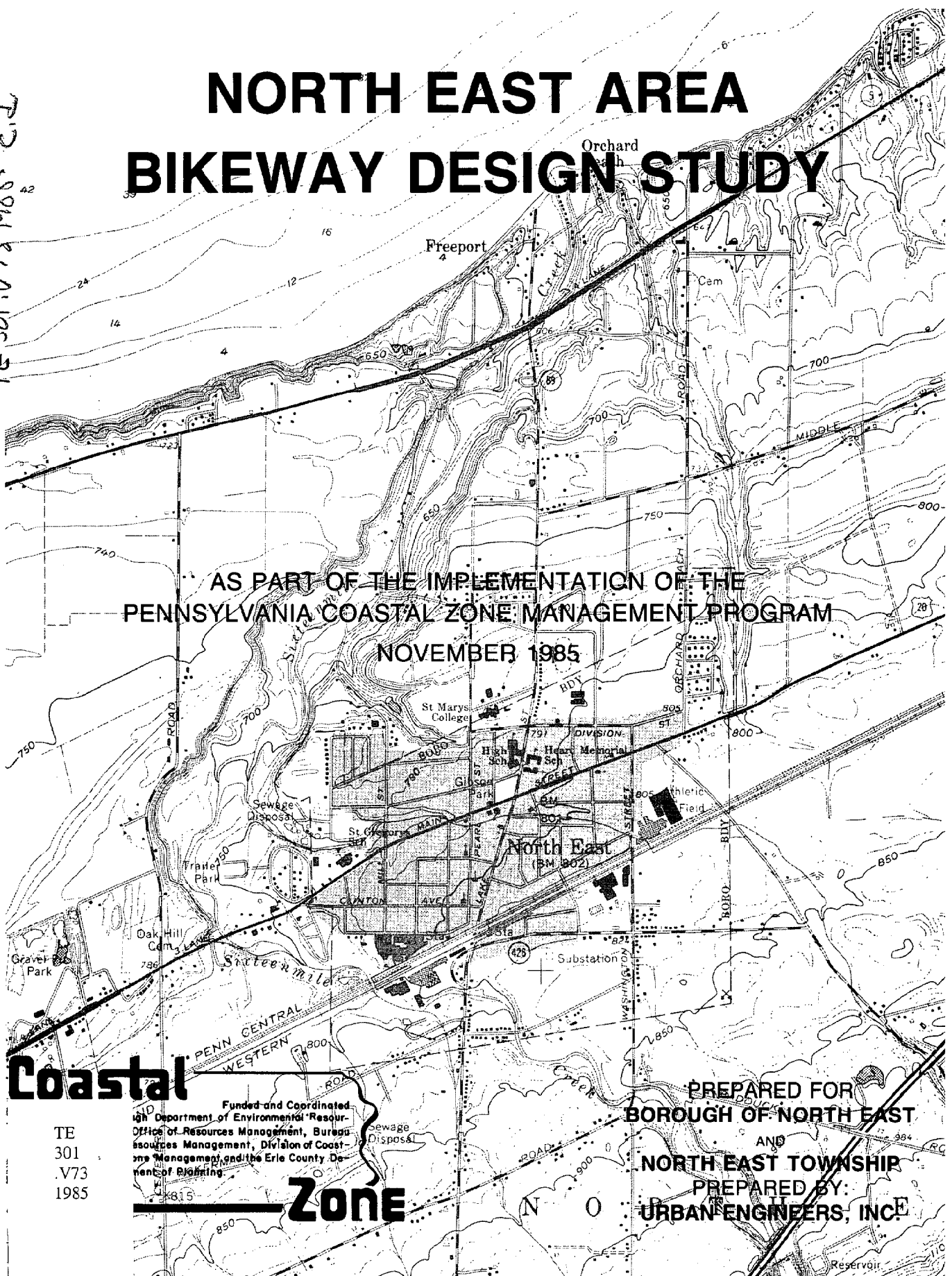
Funded and Coordinated
by the Department of Environmental Resources
Office of Resource Management, Bureau
of Resource Management, Division of Coastal
Zone Management and the Erie County Department
of Planning.

Zone

PREPARED FOR
BOROUGH OF NORTH EAST

AND
NORTH EAST TOWNSHIP

PREPARED BY:
URBAN ENGINEERS, INC.



NORTH EAST AREA
BIKEWAY DESIGN STUDY

Prepared For:

NORTH EAST BOROUGH

Thomas J. Scrimenti, Mayor

Borough Council

H. William Murray, President

Robert Stoddard, Vice President

W.I. Bondurant

Robert Newara

William Pfadt

John H. Cunningham

NORTH EAST TOWNSHIP

Board of Supervisors

Roy D. Thompson, Chairman

Frank E. Fenton

Robert Brown

Prepared By:

URBAN ENGINEERS, INC.

The preparation of this report was funded and coordinated through the Pennsylvania Department of Environmental Resources, Office of Resources Management, Bureau of Resources Management, Division of Coastal Zone Management and the Erie County Department of Planning.

NOVEMBER, 1985

TABLE OF CONTENTS

	<u>Page</u>
Overview	2
Site	3
Need	4
Design Criteria	5
Alternate Routes	6
Route Recommendation	11
Design Considerations	11
Construction Documents	13

Appendix

Engineers Cost Estimate

Bid Documents

OVERVIEW

The municipalities of the Borough of North East and North East Township have recognized the increased usage of bicycles as a mode of transportation within their boundaries. One of the more predominant areas is the bicycle traffic from North East Borough to Freeport Beach, a 4.5 acre park and beach along Lake Erie jointly owned by the North East Borough and Township. The increased bicycle traffic volumes have focused attention on the bicyclist safety and convenience related aspects of the situation.

North East Borough and North East Township have entered into an agreement with the County of Erie to conduct a Bikeway Feasability Study for the following purposes:

1. Development of alternates for bikeway alignments connecting North East Borough and Freeport Beach in North East Township, and the provision of recommendations for selection of a final route based on grades, hazards and natural resource uniqueness.
2. Preparing Final Plans, Specifications and bid documents for construction.
3. Implementing construction utilizing Pennsylvania Department of Transportation Bicycle Program Funds.

Funds for this design study are being provided by the Pennsylvania Department of Environmental Resources through the Coastal Zone Management Program administered by the County of Erie.

SITE

North East Borough and North East Township are located in an area comprised of a prominent lake plain feature: beach ridges. The primary topographic feature of the beach ridges is the long gentle slopes which extend inland from the crests of the ridges. The gentle slopes are broken at intervals by steep sided streams flowing in a northerly direction to Lake Erie. Sixteen Mile Creek and an unnamed tributary to Lake Erie are the streams of interest in this study. Sixteen Mile Creek flows along the west side of the Borough then northeastwardly to the lake. State Routes 5 and 89 cross the stream at their intersection. The unnamed stream flows from the watershed area east of the Borough and crosses Route 5 approximately 2000 feet east of the Route 5 and 89 intersection.

The destination site is Freeport Park along the Lake Erie shore. The heavily used park is situated along the west bank of the mouth of Sixteen Mile Creek. Recreational facilities include a tot-lot, pavilion, tables, grills and the beach. The creek is also a popular fishing spot.

The bicycle traffic generators consist of St. Marys College, Heard Memorial School, a middle school and a high school. The schools, one in each of the quadrants formed by Division Street and Route 89, provide the primary concentration of bicyclists.

NEED

Approximately 4000 families currently live in the municipalities of North East Borough and North East Township. 627 bicycles have been marked by the North East Borough Police Department and they estimate a 33% participation rate in the program. This gives a total of approximately 2000 bicycles in the North East area.

Bicycle counts at Freeport Park show an average of 90 vehicles at various times through the day. Based on a 3 times per day turn-over rate, 270 bicycles per day may be traveling along Route 89 and would potentially use the bikeway.

The following table provides a summary of the estimated 1983 Freeport Park bicycle usage.

1983 Estimated Usage	
January	0
February	0
March	0
April	300
May	600
June	2400
July	6000
August	6000
September	2400
October	1200
November	600
December	0

The heavy use rate makes a bikeway feasible, as well as, highly desirable from a rider safety view point.

DESIGN CRITERIA

Bicycle facilities fall under 3 general classifications: shared roadway, bike lane, and bike path. A shared roadway is any roadway upon which a bicycle lane is not designated and which may be legally used by bicycles regardless of whether such facility is specifically designated as a bikeway./₁

Bike lanes are a portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists./₁

Bike paths are bikeways physically separated from motorized vehicular traffic by an open space or barrier and lie either within the highway right-of-way or an independent right-of-way./₁

Most of the design considerations for shared roadways and bike lanes are determined by the host roadway. Bike paths, generally separated from a roadway, have to meet minimum criteria for dimensions, sight distance, horizontal and vertical curves, grades and drainage.

1. Dimensions - The widths of bike lanes, as well as the vertical clearances recommended are based on safety and comfort of the cyclists. For this study, a design width of 4 feet shall be used for one lane-one way facility with 8 feet being required for a two lane-two way bikeway. A vertical clearance of 10 feet shall also be maintained.

1. "Guide for Development of New Bicycle Facilities - 1981"; published by American Association of State Highway and Transportation Officials.

2. Design Speed - This is the controlling factor for sight and stopping distances and horizontal curves.

3. Grades - Grades are the design feature which most influences the comfort of the cyclist. Long steep grades are arduous to ascend and are responsible for high speed when descending. The guidelines for acceptable grades are based on the relationship between the steepness of the grade and the ascent length an average cyclist can manage at this grade. If the recommended grades and lengths cannot be maintained provisions are to be made for rest areas.

ALTERNATE ROUTES

A bikeway connecting the bicycle traffic generators at Division Street and Route 89 (Freeport Road) to the destination of Freeport Park could follow any of three primary routes with several variations possible within the main lines.

Progressing from west to east the alternate routes are North Mill Road, Route 89 (Freeport Road) and Orchard Beach Road. Refer to Figure 1 for the following discussion.

North Mill Road Alternate

The North Mill Road route starts at Division Street and Freeport Road, proceeds west on Division Street to Pearl Street, continues west on Bank Street; then north on Mill Street and North Mill Road to Route 5. The last leg follows Route 5 east to Freeport Road; Freeport Road north to Old Lake Road and finally east on Old Lake Road to the park.

Two variations were studied within the context of this primary route. The first of these follows Pearl Street north from Division Street and runs west on Sunset Drive to North Mill Road.

The second variation involves leaving North Mill Road shortly before its intersection with Route 5 and following the Sixteen Mile Creek bed under Routes 5 and 89 and terminating at Freeport Park.

This alternate has several points in its favor, primarily the scenic views available along the portions traversing the Sixteen Mile Creek valley. In addition, traffic volumes along the route are low which increases the safety factor.

On the negative side, there are very steep grades (7-10%) on the approach to the Route 5 - North Mill Road intersection. The intersection is located just beyond the crest of a hill with low visibility being the result. The main line requires traveling along Route 5, a multi-lane, high speed road, for 4 tenths of a mile.

The variation utilizing the creek bed would subject the municipalities to frequent the costly maintenance due to recurring creek flooding. The acquisition of the required right-of-way along the creek would require a significant increase in necessary funds over other approaches. Finally, the route is approximately 1 mile longer than the most direct route.

Route 89 - Freeport Road Alternate

This alternate originates at Division Street and proceeds north along Route 89 to Freeport Park.

There are numerous advantages inherent in this alternate. The route is the most direct link between the origin and destination which will tend to enhance use and reduce construction costs. There is an area containing steep grades, approximately (6½%), but these are less than those present in other routes, and are not intolerably greater than the 5% maximum given in the AASHTO guidelines. No travel is required along Route 5 and the Route 89 crossing at Route 5 is controlled by a traffic signal.

In addition, two of the primary traffic generators, the college and high school, are located directly on Route 89, hence Freeport Road is the route currently most utilized by bicyclists journeying to Freeport Park.

The most significant negative aspect of the Freeport Road routing is the higher traffic volumes on the road.

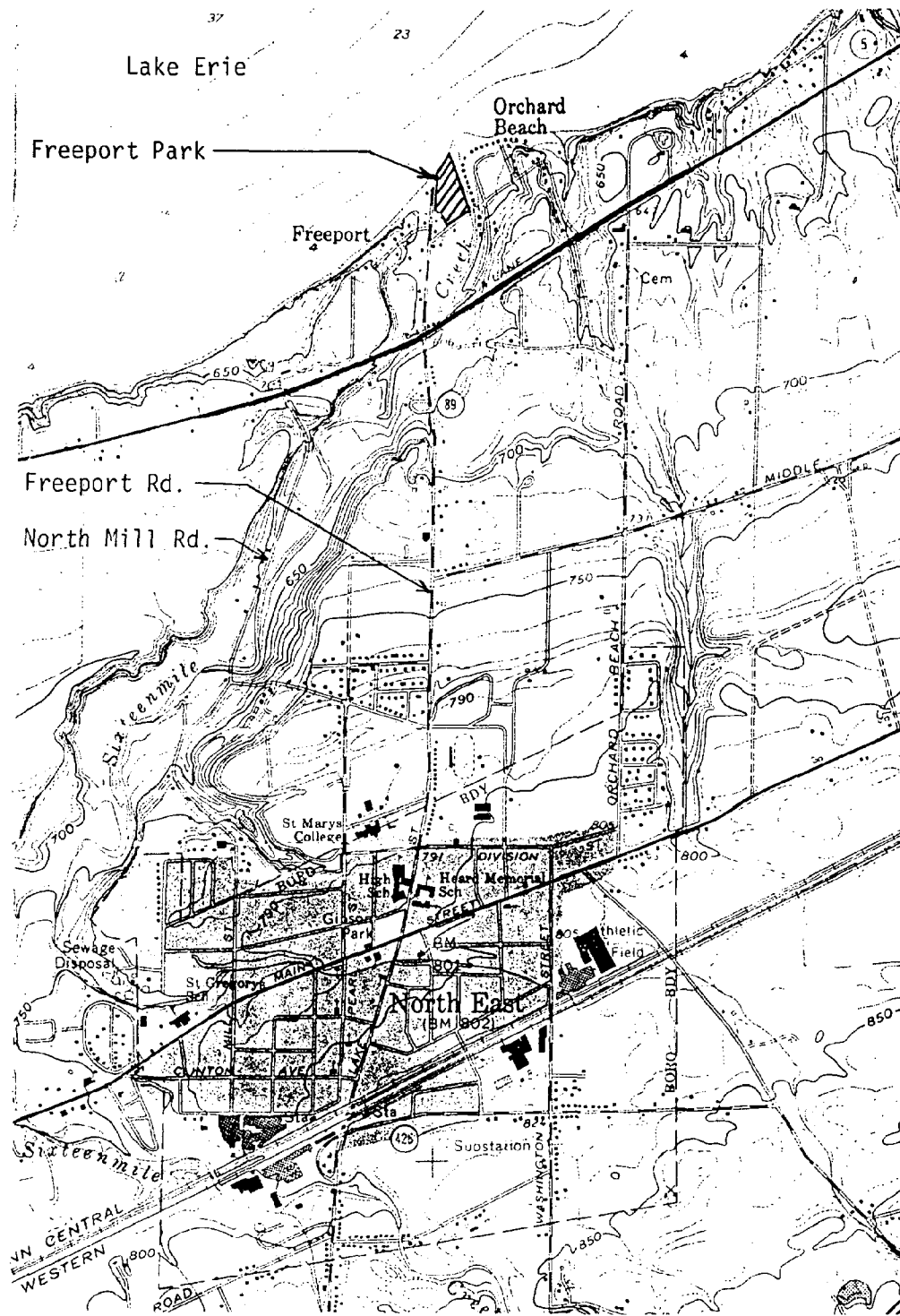
Orchard Beach Road Alternate

Starting at Division Street and Route 89, this route heads east along Division to Orchard Beach Road and then north to Route 5. Route 5 is taken west to its intersection with Freeport Road. The bikeway would continue north along Freeport Road, and optionally east on Old Lake Road to terminate at Freeport Park.

Variations to the basic route include reaching Orchard Beach Road via Route 89, the high school access road and Middle Road; and using Curtis Road instead of Route 5 to connect to Freeport Road.

The Orchard Beach Road alternate has many of the disadvantages noted for North Mill Road i.e., steep grades, especially on Curtis Road; 0.6 miles of travel along Route 5; and a 1¼ mile longer length. No significant natural resource features are present to help offset the negative aspects.

The most positive feature is the low traffic volumes on Orchard Beach Road.



Scale: 1" = 2000'

URBAN ENGINEERS, INC.
502 W. SEVENTH STREET
ERIE, PENNSYLVANIA

Project Area

North East Bikeway Project
Erie County, Pennsylvania

Fig. 1
DATE:
5/85

ROUTE RECOMMENDATION

The planned bikeway is to be primarily, commuter oriented with trips from North East Borough to Freeport Park and back being the main bicycle traffic. The safety and convenience of the bicyclists is a major consideration.

Based on the above criteria, as well as, construction and maintenance costs and the recommendations of the North East Area Comprehensive Plan, the Route 89 - Freeport Road alternate is recommended for the proposed bikeway.

DESIGN CONSIDERATIONS

The purpose of this section is to further define the design considerations used in the development of the recommended bikeway route into final design plans. The intent of the design is to provide improved safety for the bicycle traffic along Route 89 (Freeport Rd.) from the Borough of North East to Freeport Beach at Lake Erie. As defined in the AASHTO publication "Guide for Development of New Bicycle Facilities" three types of bicycle facilities are proposed to be utilized in the North East Bikeway, a bicycle path, a shared roadway and a bicycle lane. Several factors, as listed below, have influenced the decision to specify these facilities.

1. The bikeway is anticipated to be primarily used for commuting purposes and is estimated to have a peak volume of 270 riders per day. The bikeway route is located along State Route 89 (Appl. 6520) and must conform with the existing conditions while providing for safe and efficient travel.

2. The bikeway is proposed as a bikepath facility where the additional required right-of-way is available. This segment is approximately 1600 ft. long and is proposed as an 8 ft. wide, separate two-way bikepath on the west side and parallel to Route 89, from the intersection at Division Street to Sunset Drive.

3. The existing right-of-way from Sunset Drive to Route 5 (L.R. 495) is 50 ft. wide, however the area available for bicycle facilities is severely restricted by the roadway's steep, high fills and deep cuts. As described in the AASHTO guidelines the Shared Roadway type of bicycle facility is best suited for this 4800 ft segment. The low volume of riders and the economics of providing a separate bikepath or bikelane facility dictate that the safety of the commuting bicyclists will best be served by improvements to the existing shoulder to provide a smooth 4 ft. wide paved shoulder in accordance to the AASHTO guidelines.

4. The Shared Roadway, while not providing an exclusive bicycle path, will serve to reduce potential conflicts between bicyclists and motorists and will improve the roadway to more safely accomodate bicycle traffic.

5. The next 1100 ft. segment from Route 5 north to Old Lake rd. is proposed as a bike lane facility adjacent to the existing roadway. A 4 ft. wide one-way paved bikelane with a 4 ft. wide shoulder beyond will serve this area on both sides of the paved cartway in accordance with the AASHTO guidelines.

Motor vehicle speeds in this area are typically slow and the grade is level, thus the bikelane will provide a convenient and safe facility which will encourage bicycle travel. Access to Freeport Park is provided across the existing Township owned property adjacent to the existing parking lot.

CONSTRUCTION DOCUMENTS

The plans and specifications for the construction of the work proposed have been developed using good standard engineering practice, the AASHTO "Guide for the Development of New Bicycle Facilities - 1981", Pennsylvania Department of Transportation requirements and standards consistent with the individual requirements of the site.

The specifications consist of the Penn DOT publication 408 (1983) Standard Specifications as modified by the Special Provisions and Supplemental Specifications contained in the bid documents. The bid documents are reproduced in the Appendix of this report and the plans are published under separate cover.

APPENDIX

NORTH EAST AREA BIKEWAY

ENGINEERS ESTIMATE

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Cost</u>
0203-0001	Class I Excavation	C.Y.	530	15.00	\$ 7,950.00
0205-0100	Foreign Borrow Excavation	C.Y.	425	15.00	6,375.00
0305-0001	Bituminous Concrete Base Course, 3" Depth	S.Y.	1,220	6.50	7,930.00
0422-0014	Bituminous Wearing Course, FJ-1C, 1" Depth SRL-M	S.Y.	5,725	4.00	22,900.00
0491-0062	Milling of Bituminous Pavement Surface, 1" Depth	S.Y.	4,505	1.00	4,505.00
0608-0001	Mobilization	L.S.	1	1600.00	1,600.00
0651-0101	Paved Shoulders, Type 1-F	S.Y.	1,235	12.00	14,820.00
0802-0001	Topsoil Furnished and Placed	C.Y.	70	20.00	1,400.00
0845-0001	Unforeseen Project Water Pollution Control, Soil Erosion	-	-	-	500.00
0901-0001	Maintenance and Protection of Traffic during con- struction	L.S.	1	2000.00	2000.00
0931-0001	Post Mounted Signs, Type B	S.F.	106	18.00	1,908.00
2677-0001	Selected Material Sur- facing Special, 6" Depth	C.Y.	208	15.00	3,120.00
2804-0011	Seeding and Soil Supple- ments - Formula B	LBS.	28	75.00	2,100.00
2961-0084	Cold White Plastic Legend "BIKEWAY", 5' Inlaid	EA.	6	400.00	2,400.00
2961-0132	Cold White Plastic Legend "DIAMOND SYMBOL", 5' Inlaid	EA.	4	300.00	1,200.00
2962-0200	4" White Traffic Zone Paint, Type I or II	MLF	15	100.00	1,500.00
Project Total					<u>\$82,208.00</u>

BID DOCUMENTS

PROPOSAL

Bids Opened:
Erie County
Borough of North East
North East Township
North East Area Bikeway

PMS No. 012S008 T

Contractor's Name and Address:

Federal Project No. B61-0389-002

Prequalification No:

State Project No. 09607504000012-375

Expiration Date:

DEPOSITS OF PROPOSALS

Proposals enclosed in a sealed envelope and addressed to the Borough of North East/North East Township, 58 Main Street, North East, Erie County, Pennsylvania, 16428, designated as "Proposal for the North East Area Bikeway" must be deposited in the Borough of North East offices, 58 Main Street, North East, Pennsylvania 16428, before 7:30 P.M. Prevailing Local Time on December 16, 1985.

OPENING PROPOSALS

Proposals will be publically opened, checked, read and the apparant low bidder announced immediately thereafter in the offices of the Borough of North East, 58 Main Street, North East, Pennsylvania.

PREQUALIFICATION

Prequalification of Bidders, as specified in Section 102.01 of specification Publication 408 dated 1983, is required on this project.

NOTICE

Submit all sheets in front of the colored sheet as your bid document.

Execute the anti-collusion affidavit attached to the proposal and submit it with the bid; otherwise the bid will be rejected.

Erie County
Borough of North East
North East Township
North East Area Bikeway

For the construction of a BIKEWAY in ERIE COUNTY, BOROUGH OF NORTH EAST/NORTH EAST TOWNSHIP, Commonwealth of Pennsylvania. This project being situated as follows:

From the intersection with Division Street at Sta. 11 + 45 SLD to approximately 420 feet north of the intersection with Old Lake Road at Sta. 89 + 95 SLD.

For the construction of approximately 7755 feet of bikeway consisting of FJ-1C Bituminous Wearing Course over Bituminous Concrete Base Course, Milling Bituminous Pavement and placing FJ-1C Bituminous Wearing Course, Paved Shoulders Type 1F and Selected Material surfacing, also including Topsoil, Seeding and Soil Supplements, Signs and Pavement Markings, all within an overall project length of 7850 feet (or 1.487 miles) as indicated on the drawings approved October 9, 1985.

It is proposed, after execution of the contract, to begin work on the date specified in the Notice to Proceed or as otherwise provided in the specifications, and after that specified date, to prosecute all of said work so as to complete it by June 20, 1986.

Erie County
Borough of North East
North East Township
North East Area Bikeway

THIS BID PROPOSAL IS MADE UNDER, SUBJECT TO, GOVERNED BY SPECIFICATIONS PUBLICATION 408 DATED 1983 OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION. TO WHICH THE FOLLOWING SPECIAL PROVISIONS, ATTACHMENTS AND SUPPLEMENTAL SPECIFICATIONS ARE MADE A PART THEREOF.

SPECIAL PROVISIONS

Anticipated Notice to Proceed Date
Act 247
Assignment of Anti-Trust Claims
E.E.O. Covered Area
Local Authority Contract
Disadvantaged Business Enterprise Utilization
Affirmative Action Requirements
Payment to Subcontractors
Pennsylvania Trade Practices Act
Specific Equal Employment Opportunity Responsibilities
Utilities

Section 103 Award and Execution of Contract
Section 206 Embankment
Section 305 Bituminous Concrete Base Course
Section 422 Bituminous Wearing Course FJ-1 and
Bituminous Wearing Course FJ-1C
Section 608 Mobilization
Section 931 Post Mounted Signs, Type B

Item 0901-001 Maintenance and Protection of Traffic
During Construction
Item 2677-0001 Selected Material Surfacing Special,
6" Depth
Item 2804-0011 Seeding and Soil Supplements - Formula B
Item 2961-0084 Cold White Plastic Legend "BIKEWAY", 5' Inlaid
Item 2961-0132 Cold White Plastic Legend "DIAMOND SYMBOL", 5'
Inlaid
Item 2962-0200 4" White Traffic Zone Paint, Type I
Section 109 - Measurement of Quantities

ATTACHMENTS

Attachment A
EO-351
Notice
Prevailing Minimum Wages
Modifications to F.A.R.-C.A. - Required Contract Provisions
Federal Aid Construction Contracts
F.A.R.-C.A. - Required Contract Provision Federal Aid Construction
Contracts September 1975
Notices to Prospective Federal Aid Construction
Contractors April 1974
Special Supplement-Anti-Pollution Measures November 1972
Commonwealth Non-Discrimination Clause-Exhibit A
Executive Order 11246

<u>SECTION</u>	<u>SUPPLEMENTAL SPECIFICATIONS</u>	<u>DATE</u>
101	Abbreviations and Definitions of Terms	August 10, 1984
102	Bidding Requirements and Conditions	February 24, 1984
104	Scope of Work	September 6, 1983
105	Control of Work	May 17, 1985
106	Control of Material	August 28, 1984
107	Legal Relations and Responsibility to the public	July 29, 1985
108	Performance and Progress	March 22, 1985
110	Payment	September 20, 1985
111	Delay Claims	May 17, 1985
112	Project Records	February 15, 1984
203	Class 1, Class 1A and Class 1B Excavation	June 30, 1983
305	Bituminous Concrete Base Course	July 22, 1985
401	Plant Mixed Bituminous Concrete Courses	August 15, 1985
403	Recycled Plant-Mixed Bituminous Concrete Courses	June 1, 1984
460	Bituminous Tack Coat	October 14, 1983
491	Milling of Bituminous Pavement Surface	June 1, 1984
703	Aggregates	July 22, 1985
804	Seeding and Soil Supplements	October 28, 1983
805	Mulching	July 5, 1985
901	Maintenance and Protection of Traffic During Construction	September 12, 1985
962	Painting Traffic Lines and Markings	December 20, 1983

PURCHASABLE ITEMS

Supplemental Specifications or Standard Drawings listed or referred to in this proposal are available for purchase upon request from the PennDOT Sales Store, P.O. 2730, Harrisburg, Pennsylvania 17105, (Telephone 717-787-5968).

SUBMITTING BIDS

Circle on all Alternate Bids, the item number and/or description of the item elected to be used on this contract.

SCHEDULE OF PRICES

Item No.	Approx. Quantity	Item and Unit Prices Bid	Unit Prices		Total	
			Dollars	Cents	Dollars	Cents
0203-0001	530	Cu. Yds. Class 1 Excavation @ _____ /C.Y.				
0205-0100	425	Cu. Yds. Foreign Borrow Excavation @ _____ /C.Y.				
0305-0001	1220	Sq. Yds. Bituminous Concrete Base Course, 3" Depth OR				
0305-1001		Sq. Yds. Recycled Bituminous Concrete Base Course (5 to 10% RAP), 3" Depth OR				
0305-1021		Sq. Yds. Recycled Bituminous Concrete Base Course (11% or More RAP), 3" Depth @ _____ /S.Y.				
0422-0014	5725	Sq. Yds. Bituminous Wearing Course, FJ-1C, 1" Depth, SRL-M @ _____ /S.Y.				

SCHEDULE OF PRICES

<u>Item No.</u>	<u>Approx. Quantity</u>	<u>Item and Unit Prices Bid</u>
0491-0062	4505	Sq. Yds. Milling of Bituminous Pavement Surface 1" Depth @ _____ /S.Y.
0608-0001	L.S.	Mobilization @ _____ /L.S.
0651-0101	1235	Sq. Yds. Paved Shoulders, Type 1-F @ _____ /S.Y.
0802-0001	70	Cu. Yds. Topsoil Furnished and Placed @ _____ /C.Y.
0845-0001	---	Unforeseen Project Water Pollution Control, Soil Erosion @ Five Hundred Dollars
0901-0001	L.S.	Maintenance and Protection of Traffic During Construction @ _____ /L.S.

<u>Unit Prices</u>		<u>Total</u>	
<u>Dollars</u>	<u>Cents</u>	<u>Dollars</u>	<u>Cents</u>
500	00	500	00

SCHEDULE OF PRICES

Item No.	Approx. Quantity	Item and Unit Prices Bid	Unit Prices		Total	
			Dollars	Cents	Dollars	Cents
0931-0001	106	Sq. Ft. Post Mounted Signs, Type B @ _____ /S.F.				
2677-0001	208	Cu. Yds. Selected Material Surfacing Special, 6" Depth @ _____ C.Y.				
2804-0011	28	Lb. Seeding and Soil Supplements - Formula B @ _____ /LB.				
2961-0084	6	Ea. Cold White Plastic Legend "Bikeway", 5' Inlaid @ _____ /EA.				
2961-0132	4	Ea. Cold White Plastic Legend "Diamond Symbol" 5' Inlaid @ _____ /EA.				
2962-0200	15	M.L.F. 4" White Traffic Zone Paint, Type I @ _____ /M.L.F.				
TOTAL AMOUNT OF BID						

BIDDER'S UNDERSTANDING OF CONDITIONS APPLICABLE TO PROPOSAL

It is stated and averred that the bidder has had sufficient time to examine and has examined the site of the proposed work to determine the character of the subsurface material and conditions to be encountered, that he has based prices on his own independent examination and investigation of the site, subsurface materials, and conditions, and that he has not relied on any subsurface information furnished to him by the Department of Transportation, that he has read completely and understands thoroughly the general conditions, specifications of Commonwealth of Pennsylvania, Department of Transportation Publication 408 currently in effect, the Supplements, Special Provisions and/or conditions, as well as any other addenda or requirements pertaining to this project, which shall be applicable to and govern the provisions of this bid proposal and the performance of any contract awarded thereon, whether attached and made a part thereof or incorporated therein by reference thereto, including the following addenda issued after publication of the proposal:

ADDENDUM NO. _____ Date _____

ADDENDUM NO. _____ Date _____

ADDENDUM NO. _____ Date _____

ADDENDUM NO. _____ Date _____

PROJECT	
COUNTY	
L.R. SEC.	
BID DATE	

BID PROPOSAL GUARANTY BOND



PRINCIPAL (NAME & MAILING ADDRESS)

SURETY (NAME & ADDRESS)

KNOW ALL MEN BY THESE PRESENTS that the above-named Principal and Surety are held and firmly bound unto the Commonwealth of Pennsylvania, Department of Transportation, hereinafter called the Commonwealth, in the sum of five (5%) per centum of the Principal's bid on the above Project, for the payment whereof the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

(1) if the Principal's bid is determined by the Commonwealth to be the successful bid and the Principal shall qualify as the successful bidder by meeting the Commonwealth's standards regarding financial responsibility, competency, experience, reputation and quality of previous work, and shall duly execute and deliver the contract prepared by the Commonwealth for the Project, and provide the required bonds and insurance certificates, or

(2) if the Principal's bid is determined by the Commonwealth to be an unsuccessful bid, and this bond returned to the Principal,

then this obligation shall be void and of no effect; otherwise to remain in full force and virtue; and,

PROVIDED FURTHER, that in case of default by the Principal in any respect, action on this Bond may be begun forthwith, and the Principal and the Surety, jointly and severally, do hereby authorize and empower any attorney of any Court of Record of Pennsylvania, or elsewhere, to appear for and to enter judgment against them, jointly and severally, for the aforementioned sum, with or without defalcation, with costs of suit, release of errors, without stay of execution and with ten (10%) per centum attorney fees added for collection; and waiving inquisition on any real estate and exemption of any property whatsoever, authorizing condemnation of the same and immediate issuance of a writ of execution, and releasing and waiving relief from any and all appraisement, stay of execution, or exemption laws of any State, now in force or hereinafter to be passed.

Signed, sealed and delivered this _____ day of _____, 19____.

ATTEST OR WITNESS:

SIGNATURE _____ TITLE _____

ATTEST OR WITNESS:

_____(SEAL)
(Name of Principal)

BY _____
SIGNATURE TITLE

_____(SEAL)
(Name of Surety)

BY _____
Attorney-in-fact

BIDDER CERTIFICATION OF PREQUALIFICATION CLASSIFICATION AND WORK CAPACITY

In accordance with the requirements of Section 102, Bidding Requirements and Conditions, Publication 408 Specifications, the bidder hereby certifies that he meets the following to qualify his proposal as an acceptable bid:

1. He has the necessary eligible prequalification rating, as required by Sections 102.01 and 102.06(c), Publication 408. A prequalification rating is considered eligible when the bidder's assigned current maximum capacity exceeds the sum of both (a) the total of all uncompleted work he has under contract at the time of bid submission and (b) the total bid price of this proposal (less any credit for sublettings as allowed by Section 33.15 of the Regulations on Prequalification of Prospective Bidders).
2. The classified types of work, on which he is eligible to bid, constitutes over 50% of the total bid price (the cost of speciality items may be deducted from the total bid price before computing the amount of work required to be performed by the bidder with his own forces) as indicated in Section 108.01, Publication 408.
3. To the best of his knowledge, each proposed subcontractor (as set forth on attached list marked "List of Subcontractors") is prequalified in conformance with said Regulations, mentioned above, for the contract items designed, and each has adequate eligible prequalification (defined above) to cover amount of subcontract as evidenced by the "certificate of capacity" signature of each subcontractor herein-after listed.

Upon being determined the low bidder and notified, submit to the Department an up-dated certification of capacity on Form CS-4311, Status of Contracts on Hand.

The making of a false certification of any of the above bidding requirements shall constitute cause for rejection of the bidder's proposal and shall subject the bidder to making of payment to the Department of an amount of five (5%) percentum of the total amount of the bid as liquidated damages, or disqualification of the bidder from bidding on future work for a period of ninety (90) days, or both, as deemed appropriate. Should the bidder fail to make said payment within thirty (30) days of notification the bidder shall be disqualified for a period of one (1) year. An application for renewal of prequalification will not be considered by the Department until the bidder makes payment.

If Subcontractors are not named, no credit will be allowed on General Contractor's prequalification.

LIST OF SUBCONTRACTORS

NAME	NAME	NAME	NAME	NAME
ADDRESS	ADDRESS	ADDRESS	ADDRESS	ADDRESS
ITEM NO. TO BE SUBLET	ITEM NO. TO BE SUBLET	ITEM NO. TO BE SUBLET	ITEM NO. TO BE SUBLET	ITEM NO. TO BE SUBLET
% Bid	% Bid	% Bid	% Bid	% Bid

CERTIFICATE OF CLASSIFICATION AND CAPACITY BY SUBCONTRACTORS

We hereby certify that we have the necessary classifications and current capacity (maximum capacity rating less uncompleted contract work as defined in Section 33.8 of Prequalification Regulations) to cover the items noted above for subletting to our organizations.

SUBCONTRACTORS

***SIGNATURE (Authorized)**

DATE _____

[illegible]

*Signatures may be placed on form after letting, but prior to award of contract.

"STATEMENT OF JOINT VENTURE PARTICIPATION"

"This form is to be used only for the purpose of indicating the proportionate amounts of the joint venture bid to be charged against the maximum capacity rating of each prequalified participant in the joint-venture. It is not intended to relieve any of the participants therein from their joint and several liability or responsibility for performance of the entire contract as a joint venture in accordance with the terms and conditions of the proposal".

The Department of Transportation will total prices listed in Proposal for Items as listed below as the charge against each Participant's Prequalification. Items below are those Items each Participant is planning to do with his own forces or sublet with consent of the Secretary of Transportation. All items in Proposal must be listed.

[illegible]

ANTI-COLLUSION AFFIDAVIT

County _____

Route No. _____

Fed. Project No. _____
(If Applicable)

State of _____

County of _____

The undersigned deponent deposes and says that he is the _____
of the _____ company; that he is authorized to make this
affidavit on behalf of said company in compliance with Section 102.06(e) of Department Specifica-
tions, Publication 408, as amended and that the said company has not, either directly or indirect-
ly, entered into any agreement, participated in any collusion, or otherwise taken any action in
restraint of free competitive bidding in connection with such contract.

(Contractor)

By _____

Sworn to and subscribed before me the undersigned notary public this

_____ day of _____, 19 _____.

Notary Public

My Commission expires _____

(5/84)

DISADVANTAGED BUSINESS ENTERPRISE
GOAL ATTAINMENT CERTIFICATION

COUNTY _____

ROUTE _____

FEDERAL PROJECT _____

NOTICE: THE CONTRACTOR IS RESPONSIBLE FOR AND OBLIGATED TO DO EVERYTHING POSSIBLE TO MEET THE GOALS ESTABLISHED FOR THIS CONTRACT.

WARNING: CONTRACTORS SHALL NOT INSERT PERCENTAGE GOALS FOR DBE'S OR WBE'S WHICH REFLECT A HIGHER PERCENTAGE THAN THAT ATTAINED BY THE CONTRACTOR AT THE TIME THIS CERTIFICATION IS SUBMITTED TO THE DEPARTMENT.

I, _____
(Name) (Title)

(Firm)

acknowledge that we are responsible for, and obligated to, do everything possible to meet the goals established for this Contract and do hereby certify that we will meet a Disadvantaged Business Enterprise (DBE) goal of _____% of the contract price for the utilization of firms owned and controlled by disadvantaged and the goal of _____% of the contract price for the utilization of firms owned and controlled by women and will provide the Department with the information required in Attachment A, including Form EO-351 as appropriate, of the DBE Utilization Affirmative Action Requirements (Special Provision) by the time specified.

If the specified DBE goal amount indicated above does not equal or exceed the DBE goal amount specified in the DBE Special Provision, then all data required by the DBE Special Provision (Action Required by Contractors At Bidding Stage and Prior To Award) will be submitted by the time specified.

Our failure to submit the required information and data to substantiate our goal amount when requested and within the time frame specified will render our bid non-responsive.

Our failure to submit this certification, or the submission of a false certification, will render our bid non-responsive.

(Seal)

BY



WORK SHEET
REQUIRED AMOUNT PERFORMED BY CONTRACTOR

1. OTCP = Original Total Contract Price shown in Total block at end of Schedule of Prices.
2. SI = Specialty Items total amount when indicated in the special provisions of the proposal. If none listed, use zero dollars in computation.
3. DBEC = Cost representing the Goal percentage indicated on the "Disadvantaged Business Enterprise Goal Attainment Certification" form.

$$\text{DBE \%} \times \text{OTCP} = \underline{\hspace{2cm}}$$

$$\text{WBE \%} \times \text{OTCP} = + \underline{\hspace{2cm}}$$

$$\text{DBEC (Total)} = \boxed{\hspace{2cm}}$$

4. Maximum Amount of DBE/WBE cost allowed as deduction.

$$\text{OTCP} = \underline{\hspace{2cm}}$$

$$\text{SI} = \underline{\hspace{2cm}}$$

$$\text{Max.} = 40\% (\text{OTCP} - \text{SI}) = \boxed{\hspace{2cm}}$$

5. Minimum Amount Performed by Contractor.

$$\text{OTCP} = \underline{\hspace{2cm}}$$

$$-\text{SI} = \underline{\hspace{2cm}}$$

$$\text{A} = (\text{lesser Amount of 3. or 4. above}) = \underline{\hspace{2cm}}$$

$$\text{Min.} = 50\% (\text{OTCP} - \text{SI} - \text{A}) = \boxed{\hspace{2cm}}$$

SIGNATURES

When BIDDER is an Individual _____ (Seal)
BIDDER

When BIDDER is a Partnership _____ (Seal)
BIDDER

By

(Seal)
(Seal)
(Seal)

When BIDDER is a Corporation* _____
BIDDER

By

Authorized Officer of the Corporation

Attest

Secretary

(Corporate Seal)

* The _____ is a corporation
organized and existing under the laws of _____
and has (has not) been registered to carry on business in
Pennsylvania.

SIGNATURES

SECOND PARTY OF JOINT VENTURE

When BIDDER is an Individual _____ (Seal)
BIDDER

When BIDDER is a Partnership _____ (Seal)
BIDDER

By

(Seal)
(Seal)
(Seal)

When BIDDER is a Corporation* _____
BIDDER

By

Authorized Officer of the Corporation

Attest

Secretary

(Corporate Seal)

* The _____ is a corporation
organized and existing under the laws of _____
and has (has not) been registered to carry on business in
Pennsylvania.

SIGNATURES
THIRD PARTY OF JOINT VENTURE

When BIDDER is an Individual _____ (Seal)
BIDDER

When BIDDER is a Partnership _____ (Seal)
BIDDER

By

(Seal)
(Seal)
(Seal)

When BIDDER is a Corporation* _____
BIDDER

By

Authorized Officer of the Corporation

Attest

Secretary

(Corporate Seal)

* The _____ is a corporation
organized and existing under the laws of _____
and has (has not) been registered to carry on business in
Pennsylvania.



ATTENTION

THE REMAINING
PORTION OF THIS BID
PROPOSAL SHALL
BE RETAINED BY
THE BIDDER

ANTICIPATED NOTICE TO PROCEED DATE

The anticipated notice to proceed date used by the Department for the calculation of the contract time is February 10, 1986. However, due to temperature restrictions do not begin construction operations until May 5, 1986.

ACT 247

In accordance with Act 247, enacted by the General Assembly of the Commonwealth of Pennsylvania and approved by the Governor on October 26, 1972, the statutes, rules, and regulations concerning anti-pollution measures have been enumerated in a Special Supplement attached to this proposal. Include in the bid price all costs of complying with the terms of the listed statutes, rules, and regulations. No separate or additional payment will be made for such compliance. In the event that the listed statutes, rules, and regulations are amended, or if new statutes, rules, or regulations become effective, perform all additional and/or extra work deemed necessary, as ordered in writing and directed by the Engineer, in accordance with Section 110.03.

Determine what local ordinances, if any, will affect the project work. Check for any county, city, borough, or township rules or regulations applicable to the area in which the Project is being constructed, and, in addition, for any rules or regulations of other organizations having jurisdiction, such as chambers-of-commerce, planning commissions, industries, or utility companies who have jurisdiction over lands which the project occupies. Include any costs of compliance with local controls in the prices bid, even though documents of such local controlling agencies are not listed herein. No separate or additional payments will be made for complying with existing, amended or new local ordinances, directives, or controls.

ASSIGNMENT OF ANTI-TRUST CLAIMS

It is recognized that in actual economic practice, overcharges by suppliers resulting from violations of State or Federal anti-trust laws are in fact borne by the Commonwealth. As part of the consideration for the award of this contract, and intending to be legally bound, the Contractor assigns to the Commonwealth all right, title and interest in and to any current claims or claims hereafter acquired under State or Federal anti-trust laws relating to the subject matter of this contract.

E.E.O. COVERED AREA

For the purpose set forth in the Executive Order 11246 the covered area for this contract is Erie County which is within the Economic Area of Erie, PA as listed in Appendix B.

LOCAL AUTHORITY CONTRACT

Throughout the Department's Specifications Publication 408 wherever references are made to the Commonwealth, the Department or its employees, for the purpose of this contract it will mean the contracting Local Authority and its corresponding employees, unless otherwise superseded by Law.

However, prequalification of bidders, as specified in Section 102.01, will be performed by the Department.

DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION AFFIRMATIVE ACTION REQUIREMENTS

- A. DBE & WBE GOALS - The Pennsylvania Department of Transportation has established in connection with this contract, the goal of 10 % of the contract price for the utilization of firms owned and controlled by disadvantaged and the goal of 0 % of the contract price for the utilization of firms owned and controlled by women.
- B. POLICY - It is the policy of the U.S. Department of Transportation and the Pennsylvania Department of Transportation that Disadvantaged Business Enterprises (DBE), as defined in 49 CFR Part 23, as amended, and this provision, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this contract. Consequently, the DBE requirements of 49 CFR Part 23, as amended, apply to this contract. The term DBE as used throughout shall also apply to Womens Business Enterprise (WBE) goals and all requirements herein are applicable.
- C. DBE OBLIGATION - Take all necessary and reasonable steps in accordance with 49 CFR Part 23, as amended, to ensure that DBEs have the maximum opportunity to compete for and perform contracts. Do not discriminate on the basis of race, color, national origin, or sex in the award and performance of Pennsylvania Department of Transportation and U.S. Department of Transportation assisted contracts.
- D. FAILURE TO COMPLY WITH DBE REQUIREMENTS - All contractors and subcontractors are hereby advised that failure to carry out the requirements hereinabove constitutes a breach of contract and, after notification to the U.S. Department of Transportation, may result in termination of the contract, being barred from bidding on Department contracts for up to three (3) years or any other remedy as the Pennsylvania Department of Transportation deems appropriate. Failure to comply with DBE requirements will include failure to submit Attachment A within the time requirements of the specifications for submission of required documents or failure to exert a reasonable good faith effort (as determined by the DBE Review Committee for good faith efforts) to meet the established goals. Failure to submit Attachment A within the specified time requirements will result in forfeiture of the bid guaranty. Failure in exerting reasonable good faith efforts may result in forfeiture of the bid guaranty.

- E. Include the provisions of Sections B., C., and D. in every subcontract, so that such provisions will be binding upon each subcontractor, supplier, or service agency.
- F. DEFINITIONS - As used in this requirement, the terms "Disadvantaged", "Disadvantaged Business Enterprise", or "DBE", or "Owned and Controlled" are defined below:
1. "Disadvantaged business enterprise" or "DBE" means a small business concern as defined in Small Business Act, 15 USC.
 - a. Which is at least 51 percent owned by the one or more socially and economically disadvantaged individuals, or, in the case of any corporation at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and
 - b. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
 2. "Socially and economically disadvantaged individuals" means those individuals who are citizens of the United States and who are Black Americans, Hispanic Americans, Native Americans, or Asian-Pacific Americans and any other disadvantaged or individuals found to be disadvantaged by the Small Business Administration pursuant to section 8(a) of the Small Business Act. For convenience, these individuals and groups are referred to as "disadvantaged". The Department may make a rebuttable presumption that individuals in the following groups are socially and economically disadvantaged (the certification appeals mechanism of 49 CFR, Part 23, as amended, shall be available with respect to individuals alleged not to be socially and economically disadvantaged):
 - a. "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
 - b. "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
 - c. "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; and;
 - d. "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, India, Pakistan, Bangladesh, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas.
 3. "Owned and Controlled" means a business:
 - a. Which is at least 51 percentum owned by one or more disadvantaged or women or, in case of a corporation, at least 51 percentum of the stock of which is owned by one or more disadvantaged or women; and

- b. Whose management and daily business operation are controlled by one or more such individuals.

G. COUNTING DBE PARTICIPATION TOWARDS DBE GOALS

The utilization of DBEs is in addition to all other equal opportunity requirements of the contract.

Count DBE participation toward meeting the DBE goal as follows:

1. If a firm is determined to be an eligible DBE, the total dollar value of the contract awarded to the DBE is counted toward the applicable DBE goal.
2. Count toward the DBE goal that portion of the total dollar value of a contract with a joint venture equal to the percentage of the DBE participant in the joint venture and indicate the firms that are DBEs on Form CS-4309.
3. The total dollar value of a contract with a DBE owned and controlled by disadvantaged women is counted toward either the disadvantaged goal or the goal for women, but not to both. If the firm is employed choose the goal to which the contract value is applied.
4. Count toward the DBE goal only expenditures to DBEs that perform a commercially useful function in the work of a contract. A DBE is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing, and supervising the work involved. To determine whether a DBE is performing a commercially useful function, the Department will evaluate the amount of work subcontracted, industry practices, and other relevant factors.
5. Count toward the DBE goals expenditures for materials and supplies obtained from DBE suppliers and manufacturers, provided that DBEs assume the actual and contractual responsibility for the provision of the materials and supplies.
 - a. Count the entire expenditure to a DBE manufacturer (i.e. a supplier that produces goods from raw materials or substantially alters them before resale).
 - b. Count 20 percent of the expenditures to DBE suppliers that are not manufacturers, provided that the DBE supplier performs a commercially useful function in the supply process.
6. Any services to be performed by a DBE agency is required to be readily identifiable to the project.

H. ACTIONS REQUIRED BY CONTRACTOR(S) AT BIDDING STAGE AND PRIOR TO AWARD

1. Submit the "Disadvantaged Business Enterprise Goal Attainment Certification" with the bid.

2. When the goal established by the Department is met or exceeded, the apparent low bidder shall either deposit Attachment A in Room 1109 Transportation and Safety Building by 3:00 P.M. Prevailing Local Time of the fourteenth (14) calendar day after the bid opening or mail it to the Pennsylvania Department of Transportation, P.O. Box 2827, Harrisburg, PA 17105 so that it is received in Room 1109 Transportation and Safety Building by 3:00 P.M. Prevailing Local Time of the fourteenth (14) calendar day after the bid opening.
3. When the documentation required in Section H.2. or H.4. is not provided by the apparent low bidder within the time specified, the bid will be rejected and the next lowest responsible bidder will be notified by telephone to either deposit Attachment A in Room 1109 Transportation and Safety Building by 3:00 P.M. Prevailing Local Time of the fourteenth (14) calendar day after notification or mail it to the Pennsylvania Department of Transportation, P.O. Box 2827, Harrisburg, PA 17105 so that it is received in Room 1109 Transportation and Safety Building by 3:00 P.M. Prevailing Local Time of the fourteenth (14) calendar day after notification.
4. When the goal established by the Department is not met, demonstrate good faith efforts to meet the DBE contract goal. Demonstrate that the efforts made were those that a contractor actively and aggressively seeking to meet the goals established by the Department would make, given all relevant circumstances. Deposit or mail Attachment A and the good faith effort documentation so it is received by the time specified in Section H.2.
 - a. The contractor is expected to demonstrate good faith efforts by actively and aggressively seeking out DBE participation in the project to the maximum extent given all relevant circumstances. The following are the kinds of efforts that may be taken but are not deemed to be exclusive or exhaustive and the Department will consider other factors and types of efforts that may be relevant:
 - (1) Efforts made to select portions of the work proposed to be performed by DBEs in order to increase the likelihood of achieving the stated goal, including, where appropriate, but not limited to, breaking down contracts into economically feasible units to facilitate DBE participation. Selection of portions of work are required to at least equal the goal for DBE utilization specified in this contract.
 - (2) Written notification at least fifteen (15) calendar days prior to the opening of bid soliciting individual DBEs interested in participation in the contract as a subcontractor, supplier or service agency and for what specific items or type of work.
 - (3) Written notification to disadvantaged economic development assistance agencies and organizations

which provide assistance in recruitment and placement of DBEs, of the type of work, supplies or services being considered by DBEs on this contract. (See Department's Disadvantaged Business Directory for partial listing).

(4) Efforts made to negotiate with DBEs for specific items of work:

- (a) The names, addresses, telephone numbers of DBEs who were contacted, the dates of initial contact and whether initial solicitations of interest were followed up by contacting the DBEs to determine with certainty whether the DBEs were interested; personal or phone contacts are expected;
- (b) A description of the information provided to DBEs regarding the plans and specifications and estimated quantities for portions of the work to be performed; and,
- (c) A statement of why additional agreements with DBEs were not reached;
- (d) Documentation of each DBE contacted but rejected and the reasons for the rejection.

(5) Absence of any agreement between a contractor and a DBE in which the DBE promises not to provide subcontracting quotations to other bidders.

(6) Efforts made to assist the DBEs that need assistance in obtaining bonding, insurance, or lines of credit required by the contractor.

(7) Documentation that qualified DBEs are not available, or not interested.

(8) Attendance at any meetings scheduled by the Department to encourage better contractor-DBE relationships, forthcoming DBE utilization opportunities, etc.

(9) Advertisement in general circulation media, trade association publications, disadvantaged-focus media of interest in utilizing DBEs and area of interest.

(10) Efforts to effectively use the services of available disadvantaged community organizations; disadvantaged contractors' groups; local, state and federal disadvantaged business assistance offices; and other organizations that provide assistance in recruitment and placement of DBEs.

b. The following are examples of actions that shall not be used as justification by the contractor for failure to meet the DBE contract goal:

- (1) Failure to contract with a DBE solely because the

DBE was unable to provide performance and/or payment bonds.

- (2) Rejection of a DBE bid or quotation based on price alone.
- (3) Equipment idled by contract with a DBE.
- (4) Failure to contract with a DBE because the DBE will not agree to perform items of work at the unit price bid.
- (5) Rejection of a DBE because of its union or non-union status.
- (6) Failure to contract with a DBE because the Contractor normally would perform all or most of the work in the contract.
- (7) Restricting efforts to mailing of letters.

I. ACTIONS TO BE TAKEN BY THE DEPARTMENT BEFORE AWARD

1. If the apparent low bidder meets the DBE contract goal and all other contract requirements, the Department will award to that bidder. NOTE: If any DBE listed is not certified and/or pre-qualified or approved, if required, at the time the Department desires to award a contract, the Department will issue a conditional award to the apparent low bidder.
2. If the apparent low bidder fails to meet the DBE contract goal, the Review Committee shall review the apparent low bidder's DBE data and good faith efforts to meet the DBE contract goal. If the good faith efforts are deemed satisfactory, the Review Committee will recommend award.
3. If the Review Committee cannot accept the contractor's good faith efforts, the bid will be considered non-responsive and the Department will notify the apparent low bidder that its bid is being rejected. The Department will then notify by telephone the next lowest responsible bidder on the project to submit the information outlined in Section H. Either deposit the information in Room 1109 Transportation and Safety Building by 3:00 P.M. Prevailing Local Time of the fourteenth (14) calendar day after notification or mail it to the Pennsylvania Department of Transportation, P.O. Box 2827, Harrisburg, PA 17105 so that it is received in Room 1109 Transportation and Safety Building by 3:00 P.M. Prevailing Local Time of the fourteenth (14) calendar day after notification. Its proposal and all appropriate DBE data will be submitted to the Department's Review Committee for evaluation. If the Department's Review Committee, during the review of the bidder's DBE data and good faith efforts information, has questions, the committee will contact the bidder for clarification.

J. ACTION TO BE TAKEN BY THE DEPARTMENT AFTER AWARD

1. To ensure that all obligations under this contract awarded to DBEs are met, the Department will review the contractor's DBE

involvement efforts during the performance of the contract.

K. ACTION REQUIRED BY CONTRACTOR AFTER AWARD

1. Firms listed on Attachment A shall not commence work until they are certified and prequalified or approved, if required.
2. If, for any reason during the life of the contract, it is necessary to replace a DBE that is unable to perform successfully, the contractor will make a good faith effort to replace that DBE with another DBE. The following procedures are required in compliance with the above.
 - a. Notify the District Engineer immediately in writing of the DBE's inability to perform and the intent to obtain a substitute DBE.
 - b. Contact available DBE referral sources and individual qualified DBEs in an effort to recontract the work or the defaulting firm with another DBE.
 - c. Provide the District Engineer with a revised Attachment A and additional good faith effort information when the original Attachment A amount is not met.

The Contractor's good faith efforts information will be forwarded to the Department's Review Committee for evaluation. If the Department's Review Committee, during the review of the Contractor's good faith efforts information, has questions, the committee will contact the Contractor for clarification.
3. Bring to the attention of the Department in writing any situation in which regularly scheduled progress payments are not made to DBE subcontractors, suppliers, or service agencies.
4. Records and Reports.
 - a. Keep such records as are necessary to determine compliance with its Disadvantaged Business Enterprises Utilization obligations. Design these records to indicate:
 - (1) The number of disadvantaged and non-disadvantaged subcontractors, suppliers, and service agencies and the type of work or materials or services performed on or incorporated in this project.
 - (2) The progress and efforts made in seeking out disadvantaged contractor organizations and individual disadvantaged contractors for work on this project anytime a subcontractor, supplier, or service contract is contemplated during the life of this contract.
 - (3) Documentation of all correspondence, contacts, telephone calls, etc., to obtain the services of DBEs on this project.

- b. Submit reports as required by the Pennsylvania Department of Transportation, but at least on a monthly basis, of those contracts and other business executed with DBEs with respect to the records referred to in paragraph 4.a. above in such form and manner as prescribed by the Pennsylvania Department of Transportation. The monthly reports shall be submitted to the Inspector-in-Charge within five (5) working days following the end of the month and are to contain:
- (1) Number of contracts awarded to DBE/WBEs noting type of work and amounts of each contract awarded to each firm. Attach either a copy of signed contract or a certification attesting to the actual award amount.
 - (2) The amounts paid to each DBE/WBE during the month and submit paid invoices or a certification attesting to the actual amount paid to each firm.
 - (3) A timetable for all subsequent pending awards to disadvantaged firms indicating type of work and estimated award amount for each.
 - (4) Upon completion of the individual disadvantaged firm's work, submit paid invoices or a certification attesting to the actual amount paid to each firm. In the event the actual amount paid is less than the award amount a complete explanation of the difference is required.
- c. Maintain all such records for a period of three (3) years following acceptance of final payment. Make these records available for inspection by the Pennsylvania Department of Transportation and the Federal Highway Administration.

PAYMENT TO SUBCONTRACTORS

In the absence of good and sufficient reasons, within 7 calendar days of the receipt of current estimate and final payments from the Department, pay all subcontractors their earned share of the payments.

PENNSYLVANIA TRADE PRACTICES ACT

Pursuant to the Pa. Trade Practices Act, Act 226-1968, the Department will not specify, purchase or permit to be furnished or used in any contract, aluminum or steel products as set forth below made in the countries set forth below.

The Department may utilize the discretionary waiver provision of Act 3-1978 as to steel products. As to aluminum products, if the sole source is from a banned country relief may be permitted under the Statutory Construction Act, 1 Pa. C.S. 1901

et seq.

1. Brazil: Welded carbon steel pipes and tubes; carbon steel wire rod; tool steel; certain stainless steel products including hot-rolled stainless steel bar; stainless steel wire rod and cold-formed stainless steel bar; pre-stressed concrete steel wire strand; hot-rolled carbon steel plate in coil; hot-rolled carbon steel sheet and cold-rolled carbon steel sheet.

2. Spain: Certain stainless steel products, including stainless steel wire rod, hot-rolled stainless steel bars and cold-formed stainless steel bars; pre-stressed concrete steel wire strand; certain steel products including hot-rolled steel plate, cold-rolled carbon steel plate, carbon steel structural shapes, galvanized carbon steel sheet, hot-rolled carbon steel bars and cold-formed carbon steel bars.

3. South Korea: Welded carbon steel pipes and tubes; hot-rolled carbon steel plate; hot-rolled carbon steel sheet and galvanized steel sheet.

4. Mexico: Certain iron-metal construction castings including manhole covers, rings and frames, catch basin frames and grates; cleanout covers, grates, meter boxes, valve boxes; galvanized carbon steel sheet; cold-rolled carbon steel sheet; carbon steel plate in coil; carbon steel plate cut to length; and small diameter carbon steel plate welded pipe.

5. Argentina: Carbon steel wire rod and cold-rolled carbon steel sheet.

SPECIFIC EQUAL EMPLOYMENT OPPORTUNITY RESPONSIBILITIES

1. GENERAL

a. Equal employment opportunity requirements not to discriminate and to take affirmative action to assure equal employment opportunity as required by Executive Order 11246 and Executive Order 11375, are set forth in Required Contract Provisions (Form PR-1274 or 1316, as appropriate) and these Special Provisions which are imposed pursuant to Section 140 of Title 23, U.S.C. as established by Section 22 of the Federal-Aid Highway Act of 1968. The requirements set forth herein constitute the specific affirmative action requirements for project activities under this contract and supplement the equal employment opportunity requirements set forth in the Required Contract Provisions.

b. Work with the Department and the Federal Government in carrying out equal employment opportunity obligations and in their review of contract activities.

c. Comply with and have subcontractors (not including material suppliers) of \$10,000 or more comply with the following minimum specific requirement activities of equal employment opportunity: (The equal employment opportunity requirements of Executive Order 11246, as set forth in Volume 6, Chapter 4, Section 1, Subsection 1 of the Federal-Aid Highway Program Manual, are

applicable to material suppliers as well as contractors and subcontractors.) Include these requirements in every subcontract of \$10,000 or more with such modification of language as is necessary to make them binding on the subcontractor.

2. EQUAL EMPLOYMENT OPPORTUNITY POLICY

Accept as operating policy the following statement which is designed to further the provision of equal employment opportunity to all persons without regard to their race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a positive continuing program:

It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin. Such action includes: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, preapprenticeship, and/or on-the-job training.

3. EQUAL EMPLOYMENT OPPORTUNITY OFFICER

Designate and make known to the Department contracting officers an equal employment opportunity officer (hereinafter referred to as the EEO Officer) who has the responsibility for and must be capable of effectively administering and promoting an active company program of equal employment opportunity and who has been assigned adequate authority and responsibility to do so.

4. DISSEMINATION OF POLICY

a. Make all company staff members related to the project who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, fully cognizant of, and have them implement, the company's equal employment opportunity policy and contractual responsibilities to provide equal employment opportunity in each grade and classification of employment. To ensure that the above agreement is met, take the following actions as a minimum:

(1) Conduct Periodic meetings of supervisory and personnel office employees before the start of work and then not less often than once every six months, at which time the contract equal employment opportunity policy and its implementation will be reviewed and explained. Have the meetings conducted by the EEO Officer or another knowledgeable company official.

(2) Give all new company supervisory or personnel office employees a thorough indoctrination by the EEO Officer or other knowledgeable company official covering all major aspects of the company's equal employment opportunity obligations within 30 days following their reporting for duty on the project.

(3) Instruct all company personnel who are engaged in direct recruitment for the project by the EEO Officer or appropriate company official in the company procedures for locating and hiring minority group employees.

b. In order to make the equal employment opportunity policy known to all company employees, prospective employees, and potential sources of employees, i.e., schools, employment agencies, labor unions (where appropriate), college placement officers, etc., take the following actions:

(1) Place notices and posters setting forth the equal employment opportunity policy in areas readily accessible to company employees, applicants for employment, and potential employees.

(2) Bring the equal employment opportunity policy and the procedures to implement such policy to the attention of company employees by means of meetings, employee handbooks, or other appropriate means.

5. RECRUITMENT

a. When advertising for employees, include in all advertisements for employees the notation: "An Equal Opportunity Employer." Publish all such advertisements in newspapers or other publications having a large circulation among minority groups in area from which the project work force would normally be derived.

b. Unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants, including, but not limited to, State employment agencies, schools, colleges and minority group organizations. To meet this requirement, through the company EEO Officer, identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority group applicants may be referred to for company employment consideration.

In the event a valid bargaining agreement exists providing for exclusive hiring hall referrals, observe the provisions of that agreement to the extent that the system permits compliance with equal employment opportunity contract provisions. (The U.S. Department of Labor has held that where implementation of such agreements have the effect of discriminating against minorities or women, or obligates the Contractor to do the same, such implementation violates Executive Order 11246, as amended.)

c. Encourage present company employees to refer minority group applicants for employment by posting appropriate notices or bulletins in areas accessible to all such employees. In addition, discuss information and procedures with regard to referring minority group applicants with employees.

6. PERSONNEL ACTIONS

Establish and administer wages, working conditions, and employee benefits and take personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, without regard to race, color, religion, sex, or national origin. Following the following procedures:

a. Conduct periodic inspections of the project site to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. Periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. Periodically review selected personnel actions in depth to determine where there is evidence of discrimination. Where evidence is found, promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, take corrective action to include all affected persons.

d. Promptly investigate all complaints of alleged discrimination made to the company in connection with obligations under this contract, attempt to resolve such complaints, and take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, include in such corrective action such other persons. Upon completion of each investigation, inform every complainant of all of his/her avenues of appeal.

7. TRAINING AND PROMOTION

a. Assist in locating, qualifying, and increasing the skills of minority group and women employees, and applicants for employment.

b. Consistent with company work force requirements and as permissible under Federal and State regulations, make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. Where feasible, provide 25% of apprentices or trainees in each occupation in their first year of apprenticeship or training. In the event the Special Provision for Trainees is provided under this contract, this subparagraph will be superseded.

c. Advise employees and applicants for employment of available training programs and entrance requirements for each.

d. Periodically review the training and promotion potential of minority group and women employees and encourage eligible employees to apply for such training and promotion.

8. UNIONS

If reliance is made in whole or in part upon unions as a source of employees, use maximum effort to obtain the cooperation of such unions to increase opportunities for minority groups and women within the unions, and to effect referrals by such unions of minority and female employees. Actions either directly or through a contractor's association acting as agent will include the procedures set forth below:

a. Use maximum efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minority group members and women for membership in the unions and increasing the skills of minority group employees and women so that they may qualify for higher paying employment.

b. Use maximum efforts to incorporate an equal employment opportunity clause into each union agreement to the end that such union is contractually bound to refer applicants without

regard to their race, color, religion, sex, or national origin.

c. Obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information, so certify to the Department and set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, or national origin, making full efforts to obtain qualified and/or qualifiable minority group persons and women. (The U.S. Department of Labor has held that it is no excuse that the union with which the Contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees.) In the event the union referral practice prevents meeting obligations pursuant to Executive Order 11246, as amended, and these Special Provisions, immediately notify the Department.

9. SUBCONTRACTING

a. Use maximum efforts to solicit bids from and to utilize minority group subcontractors or subcontractors with meaningful minority group and female representation among their employees. Obtain lists of minority-owned construction firms from Department personnel.

b. Use maximum efforts to ensure subcontractor compliance with their equal employment opportunity obligations.

10. RECORDS AND REPORTS

a. Keep such records as are necessary to determine compliance with the company's equal employment opportunity obligations. Design the records kept to indicate:

(1) The number of minority and non-minority group members and women employed in each work classification on the project.

(2) The progress and efforts being made in cooperation with unions to increase employment opportunities for minorities and women (applicable only to contractors who rely in whole or in part on unions as a source of their work force).

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minority and female employees.

(4) The progress and efforts being made in securing the services of minority group subcontractors or subcontractors with meaningful minority and female representation among their employees.

b. Retain all such records for a period of 3 years following completion of the contract work and make them available at reasonable times and places for inspection by authorized representatives of the Department and the FHWA.

c. Submit to the Department a report each month after construction begins for the duration of the project, indicating the work hours, number of minority, women and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form EO-400, and in accordance with the instructions included thereon. Form PR-1391 is to be submitted annually for the month of July, reflecting manpower figures for the project work force, for the last payroll period preceeding the 31st of the month. If on-the-job training is being required by Special Provision for trainees, furnish Form EO-365 for each trainee employed, on a monthly basis, and Form FHWA-1409 semi-annually.

UTILITIES

Cooperate with the public utility companies and local authorities in the placement, replacement, relocation, adjustment, or reconstruction of their structures and facilities during construction.

RESTRICTIVE: To be completed by utility before operating without restriction.

CONCURRENT: Simultaneous with, but not restricting operations.

COORDINATED: Phasing with specific operation is required.

NOT AFFECTED: Identifies utility with facilities in area which are not anticipated to be affected. May provide specific information.

Anticipated completion dates OR number of utility working days required, AFTER DATE OF LETTING, to complete each area of RESTRICTIVE AND CONCURRENT work are indicated below. Shown are utility working days required, AFTER COMPLETION OF SPECIFIED OPERATION to complete each area of COORDINATED work.

L.R. AND		TYPE OF UTILITY WORK AT EACH LOCATION	
UTILITY	STATIONS	(ONE UTILITY WORKING DAY EQUALS TWO CALENDAR DAYS)	

		Utility Company will	
Penna. Electric Company	Appl. 6520 Sta.11+95	RESTRICTIVE:	Relocate anchor and down guy on existing pole #67. Estimate 5 working days to complete work.
		Utility Company will	
General Telephone & Electric Company	Appl. 6520 Sta.16+10 Sta.16+85	RESTRICTIVE:	Eliminate push brace pole #87 1/2 and relocate pole #91. Estimate 15 working days to complete work.
National Fuel Gas Company		NOT AFFECTED	
North East Heat & Light Co.		NOT AFFECTED	
Borough of North East		NOT AFFECTED	

SECTION 103 AWARD AND EXECUTION OF CONTRACT

Section 103.02 Award of Contract. Revise the second sentence in the first paragraph to read: Thirty-day extensions of the award date may be made by the mutual written consent of the Engineer and the lowest responsible bidder.

SECTION 206 EMBANKMENT

Section 206.3(b)6. Rock. Revise the third paragraph by deleting the last sentence.

Section 206.3(b)7. Frozen Material. Revise the second sentence to read: Do not place embankment material on any material frozen to a depth of 3 inches or more.

SECTION 305 BITUMINOUS CONCRETE BASE COURSE

Increase bitumen content of approved job-mix formula by 1/2% for material used in the last lift, when bituminous wearing course ID-2 is the succeeding course.

No increase in cost to the Department.

SECTION 422 BITUMINOUS WEARING COURSE FJ-1 AND BITUMINOUS WEARING COURSE FJ-1C

Section 422.2(a) Bituminous Material. Revise to read:

- o Asphalt Cement, Class AC-20
- o Asphalt Cement, Class AC-10 may be used in lieu of AC-20 in Districts 1-0, 2-0, 3-0, 4-0, 9-0, 10-0, 11-0, 12-0, and 5-0 (Monroe, Carbon and Schuylkill Counties Only).

SECTION 608 MOBILIZATION

Section 608.1 Description. Revise this section by adding the following:

Include in negotiations with DBE/WBE subcontractors the opportunity to identify an item for their mobilization. Include any amounts agreed to in the contract lump sum bid price for mobilization, also list agreed to amounts for each DBE/WBE subcontractor on Attachment A (part of documentation required by special provisions Disadvantaged Business Enterprise Utilization Affirmative Action Requirements).

Section 608.4 Measurement and Payment. Revise completely to read:

- Lump Sum

Will be paid, as specified in Section 110.06, and in accordance with the following schedule:

(a) Submit the detailed construction schedule specified in Section 108.03 indicating thereon the starting date of work subcontracted to DBE/WBE's. One month prior to the scheduled start of the subcontracted DBE/WBE work, but not earlier than the Notice to Proceed, 25% of the amount shown on Attachment A for mobilization will be paid. The remaining 75% of the amount shown on Attachment A for mobilization will be paid in 3 equal payments, each payment made when subcontracted DBE/WBE work is 25%, 50%, and 75% completed. Pay the affected DBE/WBE's within 7 days of receipt of payment from the Department.

(b) Whenever work is performed equal to 10% of the total contract price, excluding the bid price for this item, the amount bid for mobilization less any payments made under Section 608.4(a), or 3% of the total contract price, excluding the bid price for this item, whichever is less, will be paid.

(c) Whenever work is performed equal to 25% of the total contract price, excluding the bid price for this item, any remaining amount bid for mobilization less any payment made under Section 608.4(a), or an additional 2% of the total contract price, excluding the bid price for this item, whichever is less, will be paid.

(d) If the total contract lump sum price for mobilization has been paid prior to any payments made as specified in Section 608.4(a), pay 25% of the amount shown on Attachment A for mobilization to the affected DBE/WBE's not later than 10 days prior to the scheduled start of the subcontracted DBE/WBE work. Pay the remaining 75% as specified in Section 608.4(a).

(e) Upon completion of the project, any remaining amount bid for mobilization will be paid.

SECTION 931 POST MOUNTED SIGNS, TYPE B

Section 931.2 Signs, Posts, and Miscellaneous Material. Revise the last bullet to read:

- o Aluminum Bolts, Nuts, Lock-washers, Anti-Theft Nuts and Bolts -- Section 1103.11

Section 931.3 Construction. Revise the third paragraph to read:

Fasten STOP and YIELD signs and other signs, if indicated, to posts with anti-theft nuts and bolts.

Add the following new paragraph:

Permanently scribe 1-inch numerals on back of sign indicating the month, day and year of installation.

Item 0901-0001 MAINTENANCE AND PROTECTION OF TRAFFIC DURING
CONSTRUCTION

Control Traffic in accordance with figures 10a, 18, 24 and 33 of
67 PA Code Chapter 203 Work Zone Traffic Control.

Item 2677-0001 SELECTED MATERIAL SURFACING SPECIAL, 6" DEPTH

DESCRIPTION - This work is construction of gravel shoulders at the
locations shown in accordance with Section 677 and the following:

Add the following to Section 677.3:

Excavate the shoulder area to the depth indicated or directed
as required.

Item 2804-0011 - SEEDING AND SOIL SUPPLEMENTS - FORMULA B

Section 804.1 Description. Revise this Section to read:

This work is the furnishing and placing of seed, soil supplements
and mulch of the type indicated.

Section 804.2 Material. Add the following:

(g) Mulching - Section 805.2(a)1.1b - Straw

Section 804.3 Construction. Add the following:

(k) Mulch Seeding Area in accordance with Section 805.3(a)

Section 804.4 Measurement and Payment. Add the following to
Section 804.4(a): Includes Mulching

Item 2961-0084 COLD WHITE PLASTIC LEGEND "BIKEWAY", 5' INLAID

Item 2961-0132 COLD WHITE PLASTIC LEGEND "DIAMOND SYMBOL .", 5'
INLAID

DESCRIPTION - This work is furnishing and placing Plastic Legends in accordance with Section 961 and as indicated.

Item 2962-0200 4" WHITE TRAFFIC ZONE PAINT, TYPE I

DESCRIPTION - This work is the furnishing and application of traffic lines and markings of the type indicated in accordance with Section 962 and as follows:

Section 962.2 - MATERIAL: Revise to Read:

(a) Furnish certification that the paint and glass beads meet the following specifications.

-Glass Beads - AASHTO M-247-81 for standard gradation

-Paint - AASHTO M-248-77 for Ready-Mix White and Yellow Traffic Paints, Type N and Type F.

(b) Use AASHTO Type N Paint when Type I Conventional Traffic Paint is referenced and use AASHTO Type F Paint when Type II Conventional Traffic Paint is referenced.

Section 962.3(b) Equipment. Revise to read: Use a machine that is calibrated as follows:

-Paint line measuring device - Calibrate automatic paint line length gauges to maintain a tolerance of +/- 25 feet per mile.

-Cycle length/paint line length timer - Calibrate cycle length to maintain a tolerance of +/- 3 inches per 40 feet; calibrate paint line length to maintain a tolerance of +/- 1 inch per 10 feet.

-Bead guns - Calibrate to dispense glass spheres simultaneously at the specified rate. Check guns by dispensing glass spheres into a gallon container for a predetermined fixed period of time. Verify the weight of glass beads.

-Paint guns - Calibrate to simultaneously apply paint binder at uniform rates as specified with an allowable tolerance of +/- 1 mil.

Section 962.3(c)1. Paint. Revise to read: Dispense paint lines at a rate of a minimum 16.5 gallons per mile (wet-film thickness of 15 mils), except that edge markings may be applied at a rate of a minimum 13.2 gallons per mile (wet-film thickness of 12 mils).

Apply wet paint lines at a uniform width of 4 inches with an allowable tolerance of +/- 1/8 inch.

Spot the location of the final pavement markings as specified and as indicated by applying pavement spots at 25-foot intervals. Have the Engineer approve the final location of pavement spots prior to applying the traffic lines.

MEASUREMENT AND PAYMENT: 1000 (m) Linear Feet or Lump Sum.

Section 109 - MEASUREMENT OF QUANTITIES

Section 109.01(b) General . Revise the first paragraph by adding the following sentence:

Computer generated or electronic digital measuring and computing devices will be considered an acceptable method.

TRANSPORTATION

SCHEDULE FOR DBE/WBE

PAGE of

COMPLETE SECTIONS BELOW FOR DBEs/WBEs

COMPLETE THIS SECTION FOR SUBCONTRACTORS ONLY

COMPLETE THIS SECTION FOR ALL OTHERS

Is any other type of cert./approval required for this work?	YES	NO
---	-----	----

If yes: By _____

Already Cert.? YES # NO Date of Application / /

2. DBE # WBE # Name:

DBE/WBE firm doesn't have a number then form (EO351) shall be attached

Amt. of Sub agreement \$.	Agreement Signed	YES	NO
--------------------------	---	------------------	-----	----

Schedule Start Date: / / Estimated Completion Date / /

Check one: Subcontractor Supplier* Service

_____ Subcontractor _____ Supplier _____ Service
 _____ Manufacturer _____ Consultant _____ Other

.....

COMPLETE THIS SECTION FOR SUBCONTRACTORS ONLY

Preq. # (if not, date preq. application submitted / /)

Mobilization \$ _____ Contract item numbers for this sub: _____

MODIFICATION \$ _____ CONTRACT ITEM NUMBERS FOR THIS SUB. _____

[illegible]

.....

COMPLETE THIS SECTION FOR ALL OTHERS

COMPLETE THIS SECTION FOR ALL OTHERS

Description of work:

Description of work: _____

Is any other type of cert./approval required for this work? YES NO

If yes: By _____

Already Cert.?	YES #	NO	Date of Application	/	/	/

PENN DOT USE ONLY: Reviewed by		Recommended approval	YES	NO

Entered TSO by _____ Date _____

Conditional Approval by _____ Date _____

*If checked only 20% of the agreement amount counts toward goal

Return this affidavit to:
PA DEPARTMENT OF TRANSPORTATION
BUREAU OF EQUAL OPPORTUNITY
ROOM 109, T & S BUILDING
HARRISBURG, PA 17120

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

DISADVANTAGED/WOMAN BUSINESS ENTERPRISE DISCLOSURE AFFIDAVIT

(complete all items; if an item does not apply, mark "N/A".)

DEPT. USE ONLY Application Number

1. NAME AND ADDRESS

Firm Name		Street	
City	State	Zip Code	Telephone No. ()

2. Please circle which Disadvantaged, Minority or Woman group(s) own and control your firm. (see Definitions)

DBE 10 Black American 20 Hispanic American (if circled, circle one of the following origins) 21 Mexico 22 Puerto Rico 23 Cuba 24 Central America 25 South America 30 Portuguese - not a defined minority under STAA of 1982 40 Native American (if circled, circle one of the following origins) 41 American Indians 42 Aleuts 43 Eskimos 44 Native Hawaiians	50 Asian-Pacific American (if circled, circle one of the following) 51 Japan 52 China 53 Taiwan 54 Korea 55 Vietnam 56 Laos 57 Cambodia 58 India 59 Pakistan 61 Bangladesh 62 Philippines 63 Samoa 64 Guam 65 US Trust Territories of the Pacific 66 Northern Marianas	70 Burmese & Thais (if circled, circle one of the following origins) 71 Burma - not defined as a minority under STAA of 1982 72 Thailand - not defined as a minority under STAA of 1982 80 Other* WBE 90 Woman Business Enterprise Non-Minority 91 Black American 92 Hispanic American (please state origin below) 93 Portuguese 94 Native American (please state origin below) 95 Asian-Pacific American (please state origin below) 96 Burma 97 Thailand 98 Other*
---	---	---

*Members of other groups or other individuals, found to be socially and economically disadvantaged by the Small Business Administration (SBA).

NOTE: Proof of claim must be provided in form of statement from SBA.

3. CONTACT PERSON

NAME and TITLE	Telephone No. ()
----------------	----------------------

4. NAME AND ADDRESS OF ATTORNEY

Name	Name
Street	Street
City	City
State	State
Zip	Zip
TELEPHONE NO.: ()	TELEPHONE NO.: ()

5. NAME AND ADDRESS OF CPA

6. TYPE OF OWNERSHIP

<input type="checkbox"/> SOLE PROPRIETORSHIP <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> JOINT VENTURE <input type="checkbox"/> CORPORATION <input type="checkbox"/> OTHER ENTITY (explain) _____ 6B YEARS FIRM HAS BEEN IN BUSINESS _____	6A <input type="checkbox"/> CONSTRUCTION CONTRACTOR <input type="checkbox"/> ENGINEER/ARCHITECT CONSULTANT <input type="checkbox"/> MATERIAL SUPPLIER <input type="checkbox"/> MANUFACTURER <input type="checkbox"/> VENDOR <input type="checkbox"/> SERVICE <input type="checkbox"/> OTHER _____
---	---

7. PLEASE COMPLETE: THE NAMES OF THE OFFICERS OF THE FIRM AND YEARS IN THIS POSITION

NAME	Social Security No.	Minority/ Female CODE (from #2 above)
<input type="checkbox"/> PRESIDENT		
<input type="checkbox"/> OWNER		
<input type="checkbox"/> PARTNER		
VICE-PRESIDENT		
SECRETARY		
TREASURER		
OTHER		

8. CURRENT NUMBER OF EMPLOYEES ON PAYROLL: FULL-TIME:

PART-TIME:

18. LIST THE THREE LARGEST PROJECTS IN DOLLAR AMOUNTS COMPLETED BY YOUR FIRM DURING THE LAST THREE YEARS. INDICATE NAMES OF PRIME CONTRACTOR OF THESE PROJECTS.

PROJECT	DOLLAR AMOUNT	DATE COMPLETED	PRIME CONTRACTOR

19. DOES YOUR FIRM OWN MAJOR EQUIPMENT?

IF NO, WRITE NO: _____

IF YES, WRITE YES: _____

AND LIST THE MAJOR EQUIPMENT OWNED.
ATTACH LIST, IF NECESSARY.

DESCRIPTION	QUANTITY

20. LIST ALL PRODUCTS AND/OR SERVICES RENDERED

21. ARE THERE ANY WRITTEN, ORAL OR TACIT AGREEMENTS BETWEEN ANY PERSONS ASSOCIATED IN ANY MANNER WITH FIRM CONCERNING ITS OWNERSHIP AND/OR OPERATION? ☐ NO ☐ YES. IF YES, PLEASE ATTACH COPY OR WRITTEN DETAILS OF ANY SUCH AGREEMENTS.

22. SUBMIT THE FOLLOWING DOCUMENTS WITH THIS AFFIDAVIT; IF UNAVAILABLE, PROVIDE EXPLANATION.

FOR A CORPORATION

- Current audited financial statement prepared by an independent CPA (If Available)
- Prior two years' Federal tax returns, showing officers' salaries and distribution of profits and/or dividends.
- Resumes of the principals of your Firm.
- Evidence (license) to do business in Pa.
- Copies of third party rental agreements and management service agreements.
- Articles of incorporation.
- Corporation by-laws.
- Copy of stock certificates (not a copy of specimen).
- Record of first corporate organization meeting.
- Stock transfer ledger.

FOR A PARTNERSHIP, JOINT VENTURE OR SOLE PROPRIETORSHIP

- Current audited financial statement prepared by an independent CPA. (If Available)
- Prior two years' Federal tax returns.
- Resumes of principals of your Firm.
- Evidence (license) to do business in Pa.
- Copies of third party rental agreements and management service agreements.
- Partnership, Joint Venture; sole Proprietorship agreement.
- Buy-out rights.
- Profit sharing agreements.

23. IF THERE ARE STIPULATIONS OF:

- | | |
|---|--|
| <ol style="list-style-type: none"> Stock options Ownership options Stockholder agreements Buy-out rights Stockholder voting rights | <ol style="list-style-type: none"> Restrictions on the disposal of stock loan agreements. Facts pertaining to the value of shares Ownership of voting securities. |
|---|--|

WHICH ARE NOT IN THE CORPORATE DOCUMENTS FURNISHED TO THE DEPARTMENT OF TRANSPORTATION, YOU ARE REQUESTED TO FURNISH COPIES OF THESE STIPULATIONS.

24. If this firm has been certified by any other certifying agency, please attach letters or other evidence attesting to such certification. If this firm or any of its current officers have been denied certification, please describe circumstances below.

ADDITIONAL COMMENTS MAY BE ATTACHED TO
THIS AFFIDAVIT ON PLAIN BOND PAPER.

IT IS INCUMBENT UPON THE APPLICANT TO FURNISH
PROOF OF MINORITY STATUS.

The undersigned does hereby swear that the foregoing statements and attachments are true, accurate and complete and include all material information necessary to identify and explain the operations of

(Name of Firm).

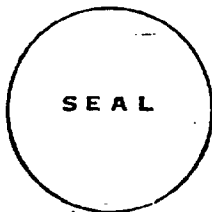
Further, the undersigned does covenant and agree to provide Pennsylvania Department of Transportation information regarding actual work performed on the Pennsylvania Department of Transportation project, the payment therefore and any proposed changes in any of the arrangements hereinabove stated and to permit the audit to include interview of principals, employees, and officers and examination of the books, records and files of the

(Name of Firm)

by authorized representatives of the Pennsylvania Department of Transportation PRIOR TO INCLUSION IN THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION DISADVANTAGED BUSINESS ENTERPRISE DIRECTORY/REGISTRY AS DEEMED NECESSARY. It is recognized and acknowledged that statements herein are being given under oath and any material misrepresentation will be grounds for terminating any contract which may be awarded in reliance hereon and may be grounds for disqualification for other Pennsylvania Department of Transportation contracts and may lead to referral to the Pennsylvania State Attorney General for appropriate action. It is recognized and acknowledged that the Pennsylvania Department of Transportation Disadvantaged Business Enterprise Advisory Committee according to the current Pennsylvania Department of Transportation Disadvantaged Business Enterprise Program will have access to the information provided hereinabove for the purposes of certifying to authenticity of the disadvantaged status of the enterprise.

Trade secrets, information privileged by law, and confidential commercial, financial, geological, or geophysical data furnished will be protected by the Pennsylvania Department of Transportation.

Complete information regarding any change in ownership, control, or financial condition must be brought to the attention of the Department within two weeks of occurrence. Any distortion, false statement, or nondisclosure of information will be deemed by the Department to be a material misrepresentation. All misrepresentations are subject to prosecution under Federal and State laws.



Signature of Affiant

(Date)

Printed Name

Title

Notary Public

Sworn and subscribed before me
this _____ day of _____.

My Commission Expires: _____

THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION MAY REQUEST ADDITIONAL INFORMATION IF NEEDED.

FORWARD ONE ORIGINAL AND ONE COPY TO PENNSYLVANIA DEPARTMENT OF TRANSPORTATION.

DEFINITIONS:

As defined by 49 CFR, PART 23

"Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

- a. Black — a person having origins in any of the black racial groups of Africa;
- b. Hispanic — a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Portuguese — a person of Portuguese, Brazilian, or other Portuguese culture or origin, regardless of race;
- d. Asian American — a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or Pacific Islands; or
- e. American Indian or Alaskan Native — a person having origins in any of the original peoples of North America.
- f. Members of other groups, or other individuals, found to be economically and socially disadvantaged by the Small Business Administration (SBA) under Section 8(a) of the Small Business Act, as amended. Note — proof of claim must be provided in form of statement from SBA.

"Minority Business Enterprise" or "MBE" means a small business concern, as defined pursuant to Section 3 of the Small Business Act and implementing regulations, which is owned and controlled by one or more minorities or women.

"Owned and Controlled" means a business:

- a. Which is at least 51 per centum owned by one or more minorities or women or, in case of a publicly owned business, at least 51 per centum of the stock of which is owned by one or more minorities or women; and
- b. Whose management and daily business operation are controlled by one or more such individuals.

As defined by STAA of 1982

"Disadvantaged Business Enterprise" or "DBE" means a small business concern.

- a. Which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and
- b. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

"Socially and Economically Disadvantaged Individuals" means those individuals who are citizens of the United States and who are Black Americans, Native Americans, or Asian-Pacific Americans and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act. For convenience, these individuals and groups are referred to as "minorities" in this subpart. Recipients may make a rebuttable presumption the individuals in the following groups are socially and economically disadvantaged (the certification appeals mechanism of 49 CFR PART 523.44 shall be available with respect to individuals alleged not to be socially and economically disadvantaged):

- a. "Black Americans", which includes persons having origins in any of the Black racial groups of Africa;
- b. "Hispanic Americans", which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. "Native Americans", which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; and,
- d. "Asian-Pacific Americans", which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, India, Pakistan, Bangladesh, the Phillipines, Samoa, Guam, the US Trust Territories of the Pacific, and the Northern Marianas.
- e. Members of other groups or other individuals, found to be economically and socially disadvantaged by the Small Business Administration (SBA) under Section 8(a) of the Small Business Act, as amended. Note - proof of claim must be provided in form of statement from SBA.

TO ENSURE THAT THE DBE PROGRAM BENEFITS ONLY DBES, MBES AND WBES WHICH ARE OWNED AND CONTROLLED IN BOTH FORM AND SUBSTANCE BY ONE OR MORE MINORITIES OR WOMEN, THE DEPARTMENT SHALL USE THE CERTIFICATION PROCESS DESCRIBED IN 49 CFR, PART 23.

LIPW-128 (1-72)

*** NOTICE ***

PREDETERMINED RATES INCLUDED IN THIS DETERMINATION ARE
SUBJECT TO PRESIDENTIAL EXECUTIVE ORDER NUMBER 11588.

ALL INCREMENTS ARE SUBJECT TO APPROVAL BY THE CONSTRUCTION
INDUSTRY STABILIZATION BOARD.

IF YOU ARE NOT CERTAIN WHETHER A RATE INCREASE IS APPLICABLE
TO YOUR CONTRACT PLEASE CONTACT THE CONSTRUCTION INDUSTRY STABILIZATION
COMMITTEE, WASHINGTON, D.C. (202-961-2913) OR THE DEPARTMENT OF
LABOR AND INDUSTRY, PREVAILING WAGE BUREAU, HARRISBURG, PENNSYLVANIA
(717-787-4763).

SUPERSEDES DECISION

STATE: PENNSYLVANIA

COUNTIES: Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington, Westmoreland.

DECISION NUMBER: PA85-3034

DATE: Date of Publication

Supersedes Decision No. PA84-3000 dated January 13, 1984, in 49 FR 1851.

DESCRIPTION OF WORK: Heavy and Highway Construction, excluding Sewage and Water Treatment Plant Projects.

	Base Hourly Rate	Fringe Benefits		Base Hourly Rate	Fringe Benefits
CARPENTERS			LINE CONSTRUCTION		
Zone I	14.58	31%	Class I		
Zone II	14.39	31%	Zone 1	18.61	.80+3 3/8%
CARPENTER - WELDER			Zone 2	15.56	.80+3 3/8%
Zone I	14.96	31%	Class 2		
Zone II	14.77	31%	Zone 1	13.03	.80+3 3/8%
CARPENTER - BURNER			Zone 2	10.89	.80+3 3/8%
Zone I	14.77	31%	Class 3		
Zone II	14.58	31%	Zone 1	12.10	.80+3 3/8%
CEMENT MASONS	14.86	31%	Zone 2	10.11	.80+3 3/8%
PILEDRIVMEN	15.53	30%	Class 4		
PILEDRIVMEN - WELDER	15.76	30%	Zone 1	11.17	.80+3 3/8%
IRONWORKERS			Zone 2	9.34	.80+3 3/8%
Reinforcing			Zone 3		
Zone 1	11.31	3.50%	Class 1	16.04	.80+3 3/8%
Structural, Ornamental & Reinforcing			Class 2	11.34	.80+3 3/8%
Zone 2	17.515	4.75	Class 3	11.12	.80+3 3/8%
Zone 3	16.37	6.50	Class 4	10.05	.80+3 3/8%
Zone 4	14.59	5.38	LINE CONSTRUCTION		
LABORERS			(Railroad Only)		
Class I			Zone 1		
Zone I	12.44	24%	Class 1	12.34	.60+ 6%+a
Zone II	12.32	24%	Class 2	12.34	.60+ 6%+a
Class II			Class 3	10.78	.60+ 6%+a
Zone I	12.59	24%			
Zone II	12.49	24%			
Class III					
Zone I	13.00	24%			
Zone II	13.00	24%			
Class IV					
Zone I	13.92	24%			
Zone II	13.92	24%			
LANDSCAPING					
Zone 1					
Class 1	10.77	26%			
Class 2	11.19	26%			
Zone 2					
Class 1	12.60	23%			

DECISION NO. PA85-3034

PLUMBERS (Bridge - Drain
Pipe)

Zone 1

POWER EQUIPMENT OPERATORS

Class I

Zone I

Zone II

Class II

Zone I

Zone II

Class III

Zone I

Zone II

Class IV

Zone I

Zone II

Basic Hourly Rates	Fringe Benefits
16.65	4.69
16.42	23.17%
16.18	23.17%
16.20	23.17%
15.95	23.17%
13.23	23.17%
13.00	23.17%
12.87	23.17%
12.60	23.17%

Class V

Zone I

Zone II

TRUCK DRIVERS:

Class 1

Class 2

Class 3

Class 4

Class 5

See Area Description

Class 6

See Area Description

Basic Hourly Rates	Fringe Benefits
12.26	23.17%
12.43	23.17%
9.00b	19%
11.00b	19%
12.00b	19%
13.48b	19%

WELDERS - Rate for craft to which welding is incidental

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

FOOTNOTE:

- a. Paid Holidays: New Year's Day; Declaration Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Good Friday.
- b. Travel, with vehicle, to and from project site and company's offices or yard will be at the federally established minimum wage rate of \$3.35 per hour when a full eight hours of job site work is scheduled. (First trip in and last trip out daily, to a maximum of one hour each trip per day). Fringe benefit payments for this work will be based upon project site rate for similar vehicle.

AREA COVERED BY CARPENTERS ZONES

ZONE I - Allegheny, Armstrong, Beaver, Butler, Erie, Fayette, Greene, Lawrence, Mercer, Washington and Westmoreland

ZONE II - Bedford, Blair, Cambria, Cameron, Centre, Clarion, Clinton, Clearfield, Crawford, Elk, Forest, Franklin, Fulton, Huntingdon, Indiana, Jefferson, McKean, Mifflin, Potter, Somerset, Venango and Warren

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Fulton and Potter Counties

ZONE 2 - Franklin, Huntingdon and Mifflin Counties

ZONE 3 - Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Fayette, Indiana, Washington & Westmoreland Counties

ZONE 4 - Clearfield, Blair, Cameron, Centre, Elk, Jefferson, McKean, Clinton & Potter.

AREA COVERED BY LABORERS ZONES

ZONE I - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Clarion, Clearfield, Elk, Erie, Fayette, Greene, Indiana, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland

ZONE II - Bedford, Cameron, Centre, Clinton, Crawford, Forest, Franklin, Fulton, Huntingdon, Jefferson, Mifflin, Potter

DECISION NO. PA85-3034

**AREA COVERED BY LANDSCAPE
LABORERS ZONES**

ZONE 1 - Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Venango, Washington, Westmoreland, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Erie, Franklin, Fulton, Huntingdon, Mifflin, Somerset.

ZONE 2 - Cameron, Elk, Forest, McKean, Potter, Warren

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Bedford, Blair, Cambria, Centre, Clarion, Clearfield, Fayette, Fulton, Greene, Huntingdon, Indiana, Jefferson, Somerset, Washington & Westmoreland Counties

ZONE 2 - Franklin & Mifflin Counties

ZONE 3 - Butler, Cameron, Clinton, Crawford, Elk, Erie, Forest, Lawrence, McKean, Mercer, Venango, Warren & Potter Counties

**AREA COVERED BY LINE CONSTRUCTION
(Railroad Only)**

ZONE 1 - Armstrong, Bedford, Blair, Cambria, Centre, Clarion, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Indiana, Jefferson, Somerset, Washington, Westmoreland Counties:

AREA COVERED BY PLUMBERS (Bridge - Drain Pipe)

ZONE 1 - Allegheny, Washington, Greene, Armstrong Counties.

AREA COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE I - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Clarion, Centre, Clearfield, Crawford, Erie, Elk, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington & Westmoreland Counties

ZONE II - Bedford, Cameron, Clinton, Forest, Franklin, Fulton, Huntingdon, Mifflin, Potter

DECISION NO. PA85-3034

LABORERS CLASSIFICATION DEFINITIONS

CLASS I - Heavy & Highway Construction Laborers (Including Craft Tenders, handling Salamanders L. P. Gas Heaters or similar etc.); Asphalt Curb Sealer; Asphalt Tamper; Batchman (weigh); Blaster's Helper; Boatman; Brakeman; Change House Attendant; Coffe Dam; Concrete Curing Pitman; Puddler; Drill Runner's Helper, (Including Drill Mounted on Truck, Track, or similar and Davey Drill - Spots-clean-up & Helps to maintain); Electric Brush and or Grinder; Fence Construction (including Fence Machine Operator); Form Stripper and Mover; Gabion (Erectors and Placers); Hydro Jet Claster Nozzlemen; Manually moved Emulsion Sprayer; Radio Actuated Traffic Control Operator; Rip Rap Work, Scaffolds and Runways; Sheeters and Shorers; Structural Concrete Top Surfacers; Walk Behind Street Sweeper; Welder's Helper (pipeline); Wood Chipper, reinforcing steel placers (bending aligning and securing and cadweld)

CLASS II - Air Tool Operator (all types); Asphalt, Batch & Concrete Plant Operator (manually operated) asphalt Rakers; Burner; Caisson Men (open air); Carryable Pumps; Chain Saw Operator (Including attachments); Cribbing (Concrete or steel); Curb Machine Operator (asphalt or concrete - walk behind); Diamond Head Core Driller; Drill Runner's Helper (Tunnel); Fork Lift (walk behind); Form Setter (Road Forms Line Man); Highway Slab Reinforcement Placers (Including Joint and Basket Setters); Hydraulic Pipe Pusher; Liner Plates (Tile or Vitrified Clay); Mechanical Compacting Equipment Operators; Mechanical Joint Sealer, Dope Pot and Tar Kettle; Mortar Mixer (hand or machine); Muckers, Brakemen & All Other Labor (Includes installation of Utility Lines); Pipe Layers (Regardless of material); Portable Single Unit Conveyor; Post Hole Auger (2 or 4 cycle-hand operated); Power Wheelbarrows and Buggies; Rail Porter or Similar; Sand Blaster; Vibrator Operator, All Rail Road Track Work to Include The Following: Adzing Machine, Ballast Router; Bolting Machine; Power Jacks; Rail Drill; Railroad Brakeman; Rail Saw; Spike Drivers (Manually or handheld tool); Spike Pullers; Tamping Machine; Thermitweld

CLASS III - Blacksmith, blaster, brick stone and block pavers and block cutters (wood, belgian and asphalt), cement mortar lining car pusher, cement mortar mixer (pipe relining), cement mortar pipe reliners, concrete saw operator (walk behind), curb cutters and setters, elevated roadway drainage construction, form setter (road forms-lead man), grout machine operator, gunite or dry pack gun (nozzle and machine man), manhole or catch basin (brick, block, concrete or any prefabrication), Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment and jumbos), multi-plate pipe (aligning and securing), placing wire mesh on gunite projects, wagon drill operators (air track or sililar), walk behind ditching machine (trencher or similar), welder

CLASS IV - Welder (pipeline); High Burner (any burning not done from deck)

DECISION NO. PA85-3034

LANDSCAPE LABORERS CLASSIFICATIONS DEFINITIONS

CLASS 1 - Landscape laborer to include general landscaping work and the driving of trucks for the distribution of materials on the job site but not to include dump trucks used to transport supplies to the job

CLASS 2 - Landscape tractor operator to operate small industrial rubber tire tractor equipped with front end loader and back hoe attachment used for the sole purpose of landscape work including soil spreading, but not for heavy and highway

LINE CONSTRUCTION CLASSIFICATIONS DEFINITIONS

ZONE 1 & 2

CLASS 1 - Linemen

Class 2 - Winch truck operators

Class 3 - Truck Driver

Class 4 - Groundman

ZONE 3

Class 1 - Lineman, Dynamite man, Heavy Equipment Operator

Class 2 - Winch truck operator

Class 3 - Truck Driver

Class 4 - Groundman

CLASSIFICATION DEFINITIONS FOR LINE CONSTRUCTION (RAILROAD ONLY)

ONE 1

CLASS 1 - Lineman

CLASS 2:

"A" Equipment Operators:

1. Hoisting equipment - when erecting complete towers, erecting framed structures, erecting steel transmission poles, erecting railroad pole extensions and crossbeams and when operating personnel lift baskets.
2. Tension pulling equipment under energized conditions - paralleled with other energized circuits or above energized circuits on the same structure, not to include crossovers. Bundled conductor stringing, including static conductors on bundled conductor lines.
3. Excavating augers 36" inches in diameter or larger, 5/8 cubic yard backhoe and larger, trencher over four feet in depth, bulldozer D-6 (caterpillar) or larger, and blade on finish grade work

CLASS 3:

"B" Equipment Operators:

Operators of all other equipment

DECISION NO. PA85-3034

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

CLASS I - Autograde (C.M.I. & similar); Backfiller; Backhoe - 360° Swing; Cableway; Caisson Drill (similar to Hugh Williams); Central Mix Plant; Cooling Plant; Concrete Paving Mixer; Concrete Pump (self-propelled); Cranes; Cranes (Boom or mast 101 ft. or over up to & including 150 ft. inclusive of job + \$.25; Boom or mast over 150 ft. up to & including 200 ft. inclusive of jib + \$.50; Boom or mast over 200 ft. inclusive of jib + \$.75; Tower-Stationary-Climbing Tower Crane); Derrick; Derrick Boat; Dozer (D-6 & over); Dragline; Dredge; Dredge Hydraulic; Elevating Grader; Franki Pile Machine; Gradall (Remote control or other-wise); Grader (Power-Fine Grade); Helicopter; Hilift (4 cy. and over); Hoist 2 Drums or more (in one unit); Hydraulic Boom TRuck (with pivotal cab) (single motor-Pitman or similar); Kocal; Locomotive (std. Gauge); Metro-chip Harvester or similar; Milling Machine (Roto Mill or Similar); Mix Mobile; Mucking Machine (Tunnel); Pile Driver Machine; Pipe Extrusion Machine; Presplitter Drill (Self contained); Refrigeration Plant (Soil Stabilization) Rough Terrain Crane; Scrapers; Shovel-Power; Slip Form Paver (C.M.I. and similar); Trenching Machine; Tunnel Machine (Mark XXI Jarva or similar) 1 Whirley

CLASS II - Asphalt paving machines (spreader), asphalt plant operator, auger (tractor mtd.), auger (truck mtd.), backhoe (rear pivotal swing) (180 swing), belt loader (euclid or similar), boring machine, cable placer or layer, compactor with blade, concrete batch plant (electronically synchronized), concrete belt placer (C.M.I. and similar), concrete finishing machine and spreader concrete mixer (over 1 cy.), concrete pump (stationary), core drill (truck or skid mtd. - similar to Pen drill), dozer (under D-6), force feedloader, fork lift (lull or similar), grader - power, grease unit operator (head), guard rail post driver (truck mounted), guard rail post driver (skid type), hi-lift (under 4 cy.) hydraulic boom truck (Non-Pivotal cab), job work boat (powered) when assistance is required it shall be a deckhand), jumbo operator, locomotive (narrow guage), mechanic, minor equipment operator (accumulative four units), mucking machine, multi-head saw (groover), overhead crane, roller - power-asphalt, ross carrier, side boom or tractor mounted boom, stone cursher, (screening-washing plants), stone spreader (self-propelled) truck mounted drill (davey or similar), welder and repairman, well point pump operator

DECISION NO. PA85-3034

POWER EQUIPMENT OPERATORS (CONTINUED)

CLASS III - Broom Finisher (C.M.I. or similar); Compactors/Rollers (Static or Vibratory (Self-propelled); Curb Builder; Minor Equipment Operator (two to three units); Multi-head Tie Tamper, Pavement Breaker (Self-Propelled or ridden); Soil Stabilizer Machine; Tire Repairman; Tractor (Snaking and hauling); Well Driller and Horizontal; Winch or "A" Frame Truck (when hoisting and lowering)

CLASS IV - Ballast Regulator, Compressor, Concrete Mixer (1 cy. & under with skip), Concrete Saw (Ridden or self-propelled), Conveyor, Elevator (Material hauling only), Fork-lift (Ridden or self-propelled), Form Line Machine, Generator, Grout Pump, Heater (Mechanical), Hoist (Single Drum), Ladavator Light Plant, Mulching Machine, Spray Cure Machine (powered Driven), Subgrader, Tie Puller, Tugger and welding Machine (Gas or Diesel)

CLASS V - Deck Hand, Farm Tractor; Fireman on Boiler; Mechanic's Helper; Oiler, Power Broom, Side Delivery Shoulder Spreader

TRUCK DRIVERS CLASSIFICATIONS DEFINITIONS

CLASS I - Pickup Farm Tractor (When pulling or Hauling, Helpers, Warehouseman

CLASS II - Single Axle, Forklift

CLASS III - Tri-axle, Tandem Axle & Tractor pulled Trailers

CLASS IV - Specialty Vehicles Off Road (45T-&+), Distributor, Lo-Boy

CLASS V - Partsman will be paid on basis of Behicle utilized

CLASS VI - Dual purpose Truck, when load has been, loaded or unloaded with truck winch loading, hauling & unloading) will, be paid according, to the axle

Modifications to "F.A.R.-C.A. Required Contract
Provisions Federal-Aid Construction Contracts"

Under Section I, Paragraph 2, add:

The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with these Required Contract Provisions.

Under Section I, add as Paragraph 5:

Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR Parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

Under Section IV, Paragraph 1, add:

Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed.

All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR Parts 1, 3 and 5 are herein incorporated by reference in this contract.

Under Section IV, Paragraph 5a, add:

Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification.

Under Section IV, Paragraph 5b, add:

Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeymen wage rate on the wage determination which provides for less than full benefits for apprentices.

Under Section IV, replace Paragraphs 9 and 10 with the following new paragraphs:

9. Withholding:

The State highway agency shall upon its own action or upon written requests of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer, mechanic, (including apprentices and trainees) watchmen or guard employed or working on the site of the work, all or part of the wages required by the contract, the State highway department contracting officer may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

10. Withholding for unpaid wages and liquidated damages:

The State highway agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any monies payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in Paragraph 8.

Under Section V, Paragraph 5d, add:

If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency may, after written notice to the contractor, sponsor, applicant, or owner, take such actions as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

	Page
I. Application -----	1
II. Equal Opportunity -----	1
III. Nonsegregated Facilities -----	2
IV. Payment of Predetermined Minimum Wages -----	2
V. Statements and Payrolls -----	3
VI. Record of Materials, Supplies and Labor -----	3
VII. Subletting or Assigning the Contract -----	4
VIII. Safety; Accident Prevention -----	4
IX. False Statements Concerning Highway Projects -----	5
X. Implementation of Clean Air Act and Federal Water Pollution Control Act -----	5

I. APPLICATION

1. These contract provisions shall apply to all work performed on the contract by the contractor with his own organization and with the assistance of workmen under his immediate superintendence and to all work performed on the contract by piecework, station work or by subcontract.

2. The contractor shall insert in each of his subcontracts all of the stipulations contained in these Required Contract Provisions and also a clause requiring his subcontractors to include these Required Contract Provisions in any lower tier subcontracts which they may enter into, together with a clause requiring the inclusion of these provisions in any further subcontracts that may in turn be made. The Required Contract Provisions shall in no instance be incorporated by reference.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be grounds for termination of the contract.

4. A breach of the following clauses may also be grounds for debarment as provided in 29 CFR 5.6(b):

Section 1, paragraph 2;
Section IV, paragraphs 1, 2, 3, 5 and 7;
Section V, paragraphs 1, 5a, 5b, and 5d

II. EQUAL OPPORTUNITY

1. Selection of Labor:

During the performance of this contract, the contractor shall not discriminate against labor from any other State, possession or territory of the United States.

2. Employment Practices:

During the performance of this contract, the contractor agrees as follows:

a. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contract will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post

in conspicuous places, available to employees and applicants for employment, notices to be provided by the State highway department setting forth the provisions of this nondiscrimination clause.

b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

c. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the State highway department advising the said labor union or workers' representative of the contractor's commitments under this section II-2 and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations (41 CFR, Part 60) and relevant orders of the Secretary of Labor.

e. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the Federal Highway Administration and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

f. In the event of the contractor's noncompliance with the non-discrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or Federally-assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.

g. The contractor will include the provisions of this Section II-2 in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the State highway department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however*, that in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the Federal Highway Administration, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

3. Selection of Subcontractors, Procurement of Materials, and Leasing of Equipment:

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

a. Compliance With Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended

from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

b. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

c. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex or national origin.

d. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the State highway department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the State highway department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

e. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State highway department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

(1) withholding of payments to the contractor under the contract until the contractor complies, and/or

(2) cancellation, termination or suspension of the contract, in whole or in part.

f. **Incorporation of Provisions:** The contractor shall include the provision of this paragraph 3 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the State highway department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State highway department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

III. NONSEGREGATED FACILITIES

(Applicable to Federal-aid construction contracts and related subcontracts exceeding \$10,000 which are not exempt from the Equal Opportunity clause-e.)

By submission of this bid, the execution of this contract or subcontract, or the consummation of this material supply agreement, as appropriate, the bidder, Federal-aid construction contractor, subcontractor, or material supplier, as appropriate, certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any

segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He agrees that (except where he has obtained identical certifications from proposed subcontractors and material suppliers for specific time periods), he will obtain identical certification from proposed subcontractors or material suppliers prior to the award of subcontracts or the consummation of material supply agreements, exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certifications in his files.

IV. PAYMENT OF PREDETERMINED MINIMUM WAGES

1. General

All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR, Part 3)), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b) (2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of Section IV, paragraph 3b, hereof. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

2. Classification:

a. The State highway department contracting officer shall require that any class of laborers or mechanics, including apprentices and trainees, which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination, and a report of the action taken shall be sent by the State highway department contracting officer to the Secretary of Labor.

b. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics, including apprentices and trainees, to be used, the question accompanied by the recommendation of the State highway department contracting officer shall be referred to the Secretary for final determination.

3. Payment of Fringe Benefits:

a. The State highway department contracting officer shall require, whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the contractor is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof to be established. In the event the interested parties cannot agree upon a cash equivalent of the fringe benefit, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for determination.

b. If the contractor does not make payments to a trustee or other third person, he may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is a part of this contract: *Provided, however*, the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

4. Payment of Excess Wages:

While the wage rates shown are the minimum rates required by the contract to be paid during its life, this is not a representation that labor can be obtained at these rates. No increase in the contract price shall be allowed or authorized on account of the payment of wage rates in excess of those listed herein.

5. Apprentices and Trainees (Programs of Department of Labor):

a. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in 29 CFR 5.2(c)(2) or is not registered or otherwise employed as stated above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the State highway agency or to a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the registration of his program and apprentices as well as the appropriate ratios and wage rates (expressed in percentages of the journeyman hourly rates), for the area of construction prior to using any apprentices on the contract work. The wage rate paid apprentices shall be not less than the appropriate percentage of the journeyman's rate contained in the applicable wage determination.

b. Trainees, except as provided in 29 CFR 5.15, will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification, by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training. The ratio of trainees to journeymen shall not be greater than permitted under the plan approved by the Bureau of Apprenticeship and Training. Every trainee must be paid at not less than the rate specified in the approved program for his level of progress. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Bureau of Apprenticeship and Training shall be paid not less than the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish the State highway agency or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the certification of his program, the registration of the trainees, and the ratios and wage rates prescribed in that program. In the event the Bureau of Apprenticeship and Training withdraws approval of a training program, the contractor will no longer be permitted

to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. The utilization of apprentices, trainees and journeymen shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

6. Apprentices and Trainees (Programs of Department of Transportation):

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting equal employment opportunity in connection with Federal-aid highway construction programs are not subject to the requirements of Section IV, paragraph 5 above. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs.

7. Overtime Requirements:

No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, watchmen or guards (including apprentices and trainees described in paragraphs 5 and 6 above) shall require or permit any laborer, mechanic, watchman or guard in any workweek in which he is employed on such work, to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek unless such laborer, mechanic, watchman or guard receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, as the case may be.

8. Violation: liability for unpaid wages; liquidated damages:

In the event of any violation of the clause set forth in paragraph 7, the contractor and any subcontractor responsible therefore shall be liable to any affected employee for his unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, watchman or guard employed in violation of the clause set forth in paragraph 7, in the sum of \$10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph 7.

9. Withholding for unpaid wages:

The State highway department contracting officer may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers, mechanics (including apprentices and trainees) watchmen, or guards employed by the contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer, mechanic, (including apprentices and trainees) watchman or guard employed or working on the site of the work, all or part of the wages required by the contract, the State highway department contracting officer may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

10. Withholding for liquidated damages:

The State highway department contracting officer may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for liquidated damages as provided in the clause set forth in paragraph 8.

V. STATEMENTS AND PAYROLLS

1. Compliance with Copeland Regulation (29 CFR, Part 3):

The contractor shall comply with the Copeland Regulations (29 CFR, Part 3) of the Secretary of Labor which are herein incorporated by reference.

2. Weekly statement:

Each contractor or subcontractor shall furnish each week a statement to the State highway department resident engineer with respect to the wages paid each of its employees, (including apprentices and trainees described in Section IV, paragraphs 5 and 6, and watchmen and guards) engaged on work covered by the Copeland Regulations during the preceding weekly payroll period. The statement shall be executed by the contractor or subcontractor or by an authorized officer or employee of the contractor or subcontractor who supervises the payment of wages. Contractors and subcontractors must use the certification set forth on U.S. Department of Labor Form WH-348, or the same certification appearing on the reverse of Optional U.S. Department of Labor Form WH-347, or on any form with identical wording.

3. Final labor summary:

The contractor and each subcontractor shall furnish, upon the completion of the contract, a summary of all employment, indicating, for the completed project, the total hours worked and the total amount earned. This data shall be submitted to the State highway department resident engineer on Form PR-47 together with the data required in Section VI, hereof, relative to materials and supplies. The provisions of this paragraph are not applicable to contracts for secondary highways or contracts financed solely with funds provided by the Highway Beautification Act of 1965, as amended.

4. Final certificate:

Upon completion of the contract, the contractor shall submit to the State highway department contracting officer, for transmission to the Federal Highway Administration with the voucher for final payment for any work performed under the contract, a certificate concerning wages and classifications for laborers, mechanics, watchmen and guards employed on the project, in the following form:

* * * *

The undersigned, contractor on

(Project No.)

hereby certifies that all laborers, mechanics, apprentices, trainees, watchmen and guards employed by him or by any subcontractor performing work under the contract on the project have been paid wages at rates not less than those required by the contract provisions, and that the work performed by each such laborer, mechanic, apprentice or trainee conformed to the classifications set forth in the contract or training program provisions applicable to the wage rate paid.

Signature and title

* * * *

5. Payrolls and payroll records:

a. Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers, mechanics, apprentices, trainees, watchmen and guards working at the site of the work.

b. The payroll records shall contain the name, social security number and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor, pursuant to Section IV, paragraph 3b, has found that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act,

the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual costs incurred in providing such benefits.

c. The payrolls shall contain the following information:

(1) The employee's full name, address and social security number. (The employee's full name and social security number need only appear on the first payroll on which his name appears. The employee's address need only be shown on the first submitted payroll on which the employee's name appears, unless a change of address necessitates a submittal to reflect the new address.)

(2) The employee's classification.

(3) Entries indicating the employee's basic hourly wage rate and, where applicable, the overtime hourly wage rate. The payroll should indicate separately the amounts of employee and employer contributions to fringe benefit funds and/or programs. Any fringe benefits paid to the employee in cash must be indicated. There is no prescribed or mandatory form for showing the above information on payrolls.

(4) The employee's daily and weekly hours worked in each classification, including actual overtime hours worked (not adjusted).

(5) The itemized deductions made and

(6) The net wages paid.

d. The contractor will submit weekly a copy of all payrolls to the State highway department resident engineer. The copy shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. Submission of a weekly statement which is required under this contract by Section V, paragraph 2, and the Copeland Regulations of the Secretary of Labor (29 CFR, Part 3) and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor pursuant to Section IV, paragraph 3b, shall satisfy this requirement. The prime contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the State highway department, the Federal Highway Administration and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

e. The wages of labor shall be paid in legal tender of the United States, except that this condition will be considered satisfied if payment is made by negotiable check, on a solvent bank, which may be cashed readily by the employee in the local community for the full amount, without discount or collection charges of any kind. Where checks are used for payment, the contractor shall make all necessary arrangements for them to be cashed and shall give information regarding such arrangements.

f. No fee of any kind shall be asked or accepted by the contractor or any of his agents from any person as a condition of employment on the project.

g. No laborers shall be charged for any tools used in performing their respective duties except for reasonably avoidable loss or damage thereto.

h. Every employee on the work covered by this contract shall be permitted to lodge, board and trade where and with whom he elects and neither the contractor nor his agents, nor his employees shall, directly or indirectly, require as a condition of employment that an employee shall lodge, board or trade at a particular place or with a particular person.

i. No charge shall be made for any transportation furnished by the contractor, or his agents, to any person employed on the work.

j. No individual shall be employed as a laborer or mechanic on this contract except on a wage basis, but this shall not be construed to prohibit the rental of teams, trucks, or other equipment from individuals.

VI. RECORD OF MATERIALS, SUPPLIES AND LABOR

1. The provisions in this section are applicable to all contracts except contracts for secondary highways and contracts financed solely with funds provided by the Highway Beautification Act of 1965, as amended.

2. The contractor shall maintain a record of the total cost of all materials and supplies purchased for and incorporated in the work, and also of the quantities of those specific materials and supplies listed on Form PR-47 and in the units shown. Upon completion of the contract, this record, together with the final labor summary required in Section V, paragraph 3, hereof, shall be transmitted to the State highway department resident engineer for the project on Form PR-47 in accordance with instructions attached thereto, which will be furnished for this purpose upon request. The quantities for the listed items shall be reported separately for roadway and for structures over 20 feet long as measured along the centerline of the roadway.

3. The contractor shall become familiar with the list of specific materials and supplies contained in Form PR-47 prior to the commencement of work under this contract. Any additional materials information required will be solicited through revisions of Form PR-47 with attendant explanations.

4. Where subcontractors are involved the contractor shall submit either a single report covering work both by himself and all his subcontractors, or he may submit separate reports for himself and for each of his subcontractors.

VII. SUBLETTING OR ASSIGNING THE CONTRACT

1. The contractor shall perform with his own organization contract work amounting to not less than 50 percent of the original total contract price, except that any items designated by the State as "Specialty Items" may be performed by subcontract and the amount of any such "Specialty Items" so performed may be deducted from the original total contract price before computing the amount of work required to be performed by the contractor with his own organization.

a. "His own organization" shall be construed to include only workmen employed and paid directly by the prime contractor and equipment owner or rented by him, with or without operators.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, craftsmanship or equipment not ordinarily available in contracting organizations qualified to bid on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. In addition to the 50 percent requirement set forth in paragraph 1 above, the contractor shall furnish (a) a competent superintendent or foreman who is employed by him, who has full authority to direct performance of the work in accordance with the contract requirements, and who is in charge of all construction operations (regardless of who performs the work), and (b) such other of his own organizational capability and responsibility (supervision, management, and engineering services) as the State highway department contracting officer determines is necessary to assure the performance of the contract.

3. The contract amount upon which the 50 percent requirement set forth in paragraph 1 is computed includes the cost of materials and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

4. Any Items that have been selected as "Specialty Items" for the contract are listed as such in the Special Provisions, bid schedule, or elsewhere in the contract documents.

5. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the State high-

way department contracting officer, or his authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Request for permission to sublet, assign, or otherwise dispose of any portion of the contract shall be in writing and accompanied by (a) a showing that the organization which will perform the work is particularly experienced and equipped for such work, and (b) an assurance by the contractor that the labor standards provisions set forth in this contract shall apply to labor performed on all work encompassed by the request.

VIII. SAFETY; ACCIDENT PREVENTION

In the performance of this contract, the contractor shall comply with all applicable Federal, State and local laws governing safety, health and sanitation. The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions, on his own responsibility, or as the State highway department contracting officer may determine, reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

It is a condition of this contract, and shall be made a condition of each subcontract entered into pursuant to this contract, that the contractor and any subcontractor shall not require any laborer or mechanic employed in performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards (Title 29, Code of Federal Regulations, Part 1926, formerly Part 1518, as revised from time to time), promulgated by the United States Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96).

IX. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, supplies, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project in one or more places where it is readily available to all personnel concerned with the project:

* * * *

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

Title 18, United States Code, Section 1020, reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

"Whoever knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

"Whoever knowingly makes any false statement or false representation as to a material fact in any statement, certificate, or

report submitted pursuant to provisions of the Federal-Aid Road Act approved July 1, 1916 (39 Stat. 355), as amended and supplemented;

"Shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

**X. IMPLEMENTATION OF CLEAN AIR ACT AND
FEDERAL WATER POLLUTION CONTROL ACT
(APPLICABLE TO CONTRACTS AND SUBCONTRACTS
WHICH EXCEED \$100,000)**

1. The contractor stipulates that any facility to be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604), and under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub. L. 92-500), Executive Order 11738, and regulations in implementation thereof (40 C.F.R., Part 15), is not

listed, on the date of contract award, on the U.S. Environmental Protection Agency, (EPA) List of Violating Facilities Pursuant to 40 C.F.R. 15.20.

2. The contractor agrees to comply with all the requirements of section 114 of the Clean Air Act and section 308 of the Federal Water Pollution Control Act and all regulations and guidelines listed thereunder.

3. The contractor shall promptly notify the State highway department of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

4. The contractor agrees to include or cause to be included the requirements of subparagraphs 1 through 4 of this paragraph X in every nonexempt subcontract, and further agrees to take such action as the Government may direct as a means of enforcing such requirements.

April, 1974

Notices to Prospective Federal-aid Construction Contractors

I. CERTIFICATION OF NONSEGREGATED FACILITIES

(a) A Certificate of Nonsegregated Facilities, as required by the May 9, 1967, Order of the Secretary of Labor (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities (is included in the proposal and must be submitted prior to the award of a Federal-aid highway construction contract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause).

(b) Bidders are cautioned as follows: By signing this bid, the bidder will be deemed to have signed and agreed to the provisions of the "Certification of Nonsegregated Facilities" in this proposal. This certification provides that the bidder does not maintain or provide for his employees facilities which are segregated on a basis of race, creed, color, or national origin, whether such facilities are segregated by directive or on a de facto basis. The certification also provides that the bidder will not maintain such segregated facilities.

(c) Bidders receiving Federal-aid highway construction contract awards exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause, will be required to provide for the forwarding of the following notice to prospective subcontractors for construction contracts and material suppliers where the subcontracts or material supply agreements exceed \$10,000 and are not exempt from the provisions of the Equal Opportunity clause.

"NOTICE TO PROSPECTIVE SUBCONTRACTORS AND MATERIAL SUPPLIERS OF
REQUIREMENT FOR CERTIFICATION OF NONSEGREGATED FACILITIES"

"(a) A Certificate of Nonsegregated Facilities as required by the May 9, 1967, Order of the Secretary of Labor (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, which is included in the proposal, or attached hereto, must be submitted by each subcontractor and material supplier prior to the award of the subcontract or consummation of a material supply agreement if such subcontract or agreement exceeds \$10,000 and is not exempt from the provisions of the Equal Opportunity clause.

"(b) Subcontractors and material suppliers are cautioned as follows: By signing the subcontract or entering into a material supply agreement, the subcontractor or material supplier will be deemed to have signed and agreed to the provisions of the "Certification of Nonsegregated Facilities" in the subcontract or material supply agreement. This certification provides that the subcontractor or material supplier does not maintain or provide for his employees facilities which are segregated on the basis of race, creed, color, or national origin, whether such facilities are segregated by directive or on a de facto basis. The certification also provides that the subcontractor or material supplier will not maintain such segregated facilities.

"(c) Subcontractors or material suppliers receiving subcontract awards or material supply agreements exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause will be required to provide for the forwarding of this notice to prospective subcontractors for construction contracts and material suppliers where the subcontracts or material supply agreements exceed \$10,000 and are not exempt from the provisions of the Equal Opportunity clause."

II. IMPLEMENTATION OF CLEAN AIR ACT

- (a) By signing this bid, the bidder will be deemed to have stipulated as follows:
 - (1) That any facility to be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604), Executive order 11738, and regulations in implementation thereof (40 C.F.R., Part 15), is not listed on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities pursuant to 40 C.F.R. 15.20.
 - (2) That the State highway department shall be promptly notified prior to contract award of the receipt by the bidder of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

SPECIAL SUPPLEMENT
ANTI-POLLUTION MEASURES

PART I

PENNSYLVANIA STATUTES & REGULATIONS
ADMINISTERED BY THE
DEPARTMENT OF ENVIRONMENTAL RESOURCES

The Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended 35 P.S. 691.1 et seq. and Chapters 73, 91, 93, 95, 97, 99, 101, and 102 of Department of Environmental Resources regulations promulgated thereunder.

Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535 Sec. 1 (35 P.S. Sec. 750.1) and Chapters 71 and 73 of Department of Environmental Resources regulations promulgated thereunder.

Air Pollution Control Act, Act of January 8, 1960, P.L. 2119, as amended, October 26, 1972, 35 P.S. Sec. 4001 et seq. and Chapters 121, 123, 127, 129, 131, 135, 137, 139, and 141 of Department of Environmental Resources regulations promulgated thereunder.

Surface Mining Conservation and Reclamation Act, Act of May 31, 1945, P.L. 1198, as amended, 52 P.S. 1396.1 et seq. and Chapter 77 of Department of Environmental Resources regulations promulgated thereunder.

Bituminous Coal Open Pit Mining Conservation Act, Act of May 31, 1945, P.L. 1198, 52 P.S. 1396.1 et seq.

Pennsylvania Solid Waste Management Act, Act of July 31, 1968, P.L. _____, (No. 241), 35 P.S. 6001 et seq. and Chapter 75 of the Department of Environmental Resources regulations promulgated thereunder.

Dams and Encroachments Act, Act of June 25, 1913, P.L. 555 Sec. 4, as amended, 32 P.S. 684; Water Power and Water Supply Act, Act of June 14, 1923, P.L. 704 Sec. 7, 32 P.S. 597; Section 1920-A of the Administrative Code, 71 P.S. 510-520 and Chapter 105 of the Department of Environmental Resources regulations promulgated under all three Acts.

Water Well Drillers License Act, Act of May 29, 1956, P.L. 1840 Sec. 12, 32 P.S. 645.12, and Chapter 107 of the Department of Environmental Resources regulations promulgated thereunder.

Waterworks Act, Act of April 22, 1905, P.L. 260, as amended, 35 P.S. 711 et seq. and Sections 1918-A, 1920-A of the Administrative Code 71 P.S. Secs. 510 - 20 and Chapter 109 of the Department of Environmental Resources regulations promulgated under both Acts.

Section 1917-A and 1920-A of the Administrative Code, 71 P.S. 510-17 and 510-20 and Chapters 179, 191, 201, 203, 241 and 243 of the Departmental Regulations issued thereunder.

Atomic Energy Act, Act of January 28, 1966, P.L. 1625, Sec. 301 (73 P.S. 1301) and Chapters 221, 227, 229, 231, 233 and 235 of the Department's Regulations issued thereunder.

Act of November 18, 1968, P.L. (No. 322), Sec. 4, (63 P.S. 1004) and Chapters 301, 303 and 305 of the Department's regulations promulgated thereunder.

PART II

FEDERAL STATUTES & REGULATIONS

Airport and Airway Development Act of 1970, 49 U.S.C. 1701-1703, 1711-1222

Anadromous Fish Conservation Act, 16 U.S.C. 7579-757f

Appalachian Regional Development Act of 1965, 40 App. U.S.C. Secs: 1,2,203,205,206,212

Atomic Energy Act of 1954

42 U.S.C. Sec. 2011	
2012	2133
2013	2134
2014	2136
2021	2137
2051	2140
2052	2231
2053	2232
2061	2233
2062	2234
2071	2235
2073	2236
2077	2237
2091	2238
2092	2239
2093	2240
2097	2241
2111	2274
2131	2275
2132	2277

42 U.S.C.	2011.	10 C.F.R. Parts 1 and 4
	2013.	10 C.F.R. Part 50
	2021.	10 C.F.R. Part 150
	2051.	10 C.F.R. Part 37
	2071.	10 C.F.R. Part 70
	2073.	10 C.F.R. Part 20,70-73
	2077.	10 C.F.R. Part 110
	2092.	10 C.F.R. Part 40
	2093.	10 C.F.R. Part 20,40,71
	2111.	10 C.F.R. Part 20,30-40,71
	2131.	10 C.F.R. Part 50
	2132.	10 C.F.R. Part 2,50
	2133.	10 C.F.R. Part 20,50
	2134.	10 C.F.R. Part 20,50
	2137.	10 C.F.R. Part 55
	2232.	10 C.F.R. Part 30, 32-36, 40-50, 70-71, 100

2233. 10 C.F.R. Part 2, 30-36, 40-
50, 70-71, 73
2234. 10 C.F.R. Parts 30, 40, 50, 70
2235. 10 C.F.R. Parts 50
2236. 10 C.F.R. Parts 2, 30, 40, 50,
55, 70
2237. 10 C.F.R. Parts 30, 40, 50, 55,
70
2239. 10 C.F.R. Parts 2, 50
2241. 10 C.F.R. Parts 2, 115

Bankhead-Jones Farm Tenant Act, 7 U.S.C. 1010, 1011, 1012
7 U.S.C. 1010;36 C.F.R. 213, 7 C.F.R. Part 15
251-261.
1011;36 C.F.R. 211,231. 7 C.F.R. Part 15,600,1800
1012. 7 C.F.R. Part 15

Black Bass Act

16 U.S.C. Sec. 851
852
852a
852b
852c
852d
853
854
855
856

Clean Air Act

42 U.S.C. 1857-1857L, 1857a, 1857b, 1857b-1, 1857c
to 1857c-9, 1857d, 1857d-1, 1857e, 1857e-1, 1857f to
1857f-5a, 1857-6 to 1857f-6c, 1857f-6e, 1857f-7,
1857f-9 to 1857f-12, 1857g, 1857h to 1857h-7, 1857i,
1857j to 1857-3, 1857k, 1857L, 1858, 1858a

42 U.S.C. 1857 et seq. 40 C.F.R. Parts 30, 51
1857 b 42 C.F.R. Parts 52, 61
1857 c 40 C.F.R. Part 81
1857f-2 19 C.F.R. Part 12
1857f-6b 40 C.F.R. Part 30
1857f-6c 40 C.F.R. Part 79
1857g 40 C.F.R. Parts 81 and 85
42 C.F.R. Parts 52 and 61
1857h-2 45 C.F.R. Part 54
1858 et seq. 40 C.F.R. Part 30

Consolidated Farmers Home Administration Act of 1961

7 U.S.C.	1921	7 C.F.R. Part 1800
	1922	7 C.F.R. Part 15, 1821
	1923	7 C.F.R. Part 15, 1821
	1924	7 C.F.R. Part 15, 1821
	1925	7 C.F.R. Part 1821
	1926	7 C.F.R. Part 15
	1942	7 C.F.R. Part 15
	1961-1967	7 C.F.R. Part 1832

Delaware River Basin Compact 75 Stat. 688 Enacted 1961

Department of Transportation Act, 29 U.S.C. 213 (a)(5), 40 U.S.C.
201, 206; 49 U.S.C. 1653

Dingell-Johnson Sport Fish Restoration Act, 23 U.S.C. 204;
23 C.F.R. Part 15

Endangered Species Conservation of 1969, 16 U.S.C. 668aa-
668 cc-5

Federal-aid Highway Act of 1968, 49 U.S.C. 1653, 23 U.S.C. 131,
138, 205, 319;

23 U.S.C. 131	23 C.F.R. Parts 20, 21, 22
205	36 C.F.R. Parts 212

Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135, 135a, 135b-k
7 U.S.C. 135 b 40 C.F.R. Part 164
 7 C.F.R. Part 760
 135d 40 C.F.R. Part 162, 164

Federal Power Act
16 U.S.C. 803; 18 C.F.R. Parts 4-8, 11-12, 131; 16 U.S.C. 828

Federal Water Pollution Control Act, amendments of 1972 sections
201, 302, 303, 304, 306, 307, 310, 311, 312, 316, 318, 401, 402,
403, 404, 405

Federal Water Project Recreation Act, 16 U.S.C. 460L-5, 460L-12
to 460L-21

16 U.S.C. 460L-5 36 C.F.R. Part 251

Fish and Game Sanctuary Act, 16 U.S.C. 694-694b

Fish Restoration and Management Projects Act, 16 U.S.C. 777-777k, 777a, 777c,
777e-777g
16 U.S.C. 777 43 C.F.R. Part 17

Fish and Wildlife Act of 1956, 16 U.S.C. 742a-742j

16 U.S.C. 742c	50 C.F.R. Part 250
742e	50 C.F.R. Part 255,
	260-264
	266-279

Fish and Wildlife Coordination Act, 16 U.S.C. 661-666c

Fishermen's Protective Act of 1967, 22 U.S.C. 1971-1976

Flood Control Act of 1944, 33 U.S.C. 701, 708; 16 U.S.C. 1001, 1002, 460d, also see; River & Harbor Act of 1962 and Flood Control Act of 1962; 33 U.S.C.

426e, 596 and River & Harbors Flood Control Act of 1965, 42 U.S.C. 1962d-4

16 U.S.C. 460d	32 C.F.R. Part 300
	36 C.F.R. Parts 311-326
16 U.S.C. 1001, 1002	7 C.F.R. Parts 15, 600

Game and Wildlife Act, 16 U.S.C. 715d-1, 715d-2, 715e, 715e-1, 715k-1, 715s, 718b-718e; 18 U.S.C. 42, 44, 3054, 3112;

16 U.S.C. 715s	43 C.F.R. Part 17
	50 C.F.R. Parts 28, 34
18 U.S.C. 42	19 C.F.R. Part 12
	50 C.F.R. Part 13

Highway Beautification Act of 1965, 23 U.S.C. 131, 23 C.F.R. Parts 20, 21 & 22

Land and Water Conservation Fund Act of 1965, 16 U.S.C. 460L-4 to 460L-11

Migratory Bird Conservation Act, 16 U.S.C. 715-715r, 715q, 715c, 715i-715k,

16 U.S.C. 715i	36 C.F.R. Part 322
	43 C.F.R. Parts 5, 4250
	50 C.F.R. Parts 25-33, 60

Migratory Bird Treaty Act, 16 U.S.C. 703-708, 709a, 710, 668aa, 668bb, 668d-1

16 U.S.C. 668aa,	50 C.F.R. Part 17
668bb	50 C.F.R. Parts 70-71, 30-33
668cc-1	50 C.F.R. Part 17

Multiple-Use Sustained Yield Act of 1966, 16 U.S.C. 475, 528, 531

16 U.S.C. 475	36 C.F.R. Part 221
528-531	36 C.F.R. Part 212, 221,
	251-261

National Emission Standards Act, 42 U.S.C. 1857f-1 to 1857f-7

National Environmental Policy Act of 1969, 42 U.S.C. 4321, 4331-4335, 4341-4347

42 U.S.C. 4321 et seq.	40 C.F.R. Part 30
	45 C.F.R. Part 640
4332	10 C.F.R. Part 50
	14 C.F.R. Part 1204

National Trails System Act, 16 U.S.C. 1241-1249, 36 C.F.R. Part 251

National Wildlife Refuge System Administration Act of 1966, 16 U.S.C. 668dd, 668ee
16 U.S.C. 668dd 50 C.F.R. Part 32

Oil Pollution Act of 1961, 33 U.S.C. 1001-1015
33 U.S.C. 1007 46 C.F.R. Parts 2, 35, 78, 93, 97, 167, 196
1008-1011 32 C.F.R. 151

Recreational Use of Conservation Areas Act, 16 U.S.C. 460K, 50 C.F.R. Parts 25-29,
31-33, 70-71

Refuse Act of 1899, 33 U.S.C. 401, 403-4, 406-9, 411-415

Resource Recovery Act of 1970, 42 U.S.C. 3251-3254f, 3256-3259

River and Harbor Act of 1958, 33 U.S.C. 610

Soil Conservation and Domestic Allotment Act, 16 U.S.C. 590a-590g, 590i, 590o
16 U.S.C. 590a-7 C.F.R. Part 15; 16 U.S.C. 5909, 7 C.F.R. Parts 701-706,
708, 780

Solid Waste Disposal Act, 42 U.S.C. 3251-3259, 40 C.F.R. Part 30

Water Bank Act, 16 U.S.C. 1301-1311

Watershed Protection and Flood Prevention Act, 16 U.S.C. 1001-1008, 1006a, 1006b
16 U.S.C. 1001-1007 7 C.F.R. Part 600
1006a 7 C.F.R. Part 1800, 1861

Wetlands Acquisition Act, 16 U.S.C. 715K-3 to 715K-5

Wilderness Act, 16 U.S.C. 1131-1136; 36 C.F.R. Parts 251-261, 43 C.F.R. Part 19,
50 C.F.R. Part 35

Wildlife Restoration Act, 16 U.S.C. 669-669b, 669c-669i
16 U.S.C. 669 43 C.F.R. Part 17
669i 50 C.F.R. Part 80

PART III

OTHER RELEVANT PENNSYLVANIA LAWS

Land

Land Acquisition Act, Act of June 22, 1964, P.L. 131, 72
P.S. 3946.1 et seq.

Act authorizing Commonwealth to acquire open space, Act of January 19,
1968, P.L. 992 3 P.S. 5001 et seq.

Land and Water Conservation and Reclamation Act, Act of January 19,
1968, P.L. 996, 32 P.S. 5101 et seq.

Act authorizing covenants with land owners for open space, Act of January 13,
1966 P.L. 1292, 16 P.S. 11941 et seq.

Coal Land Improvement Act, Act of July 19, 1965, P.L. 216, 52 P.S. 30.101
et seq.

Soil Conservation Law, Act of May 15, 1945, P.L. 547, 3 P.S. 849 et seq.

Water

Susquehanna River Basin Compact, Act of July 17, 1968 P.L. 32 P.S. 820.1
et seq.

Wheeling Creek Watershed Protection and Flood Prevention Commission Act of
August 2, 1967 P.L. 189 32 P.S. 819.1 et seq.

Disaster Relief Act, Act of July 6, 1961 P.L. 515, 71 P.S. 1689.101 et seq.

Brandywine River Valley Compact, Act of September 9, 1959, P.L. 848 32 P.S.
818

Great Lakes Basin Compact, Act of March 22, 1956, P.L. 1333 32 P.S. 817.1-817.6

An Act protecting water supply sources, Act of January 18, 1952, P.L. 2148
35 P.S. 731, 732

Stream Clearance Act of June 5, 1947 P.L. 420 32 P.S. 659

Ohio River Valley Sanitation Compact, Act of April 2, 1945 P.L. 103 32 P.S.
816.1 et seq.

Potomac River Valley Compact, Act of May 29, 1945, P.L. 1134 32 P.S. 741 et seq.

Act of June 4, 1945, P.L. 1383 32 P.S. 751.1 et seq.

Air

Uniform Interstate Air Pollution Agreements Act, Act of February 17, 1972

Act limiting the amount of noise produced by motor vehicles, providing noise testing and fixing penalties, Act of January 26, 1972

Act regulating vehicle emission systems, Act of June 16, 1972

Act creating a weather modification board, Act 449, January 19, 1968, P.L. 1024, 3 P.S. 1101 et seq.

NONRENEWABLE RESOURCES CONSERVATION

TRANSPORTATION

Hazardous Substances Transportation Act, Act of (November 9, 1965), 75 P.S. 2401 et seq., P.L. 657

Vehicle Code, Act of (April 29, 1959), 75 P.S. 101 et seq. P.L. 58, as amended

State Highway Law, Act of (June 1, 1945), 36 P.S. 670-101 et seq., P.L. 1242, as amended

URBAN/NONURBAN LAND UTILIZATION

Industrial Park Loans, Act of (August 31, 1971)

Act authorizing the Department of Community Affairs to develop and administer an Urban Technical Assistance Program, Act of (March 21, 1970), 71 P.S. 1049 101 et seq., P.L. 195

Site Development Act, Act of (May 6, 1968), 73 P.S. 361 et seq.

Urban Redevelopment Law, Act of (November 16, 1967), 35 P.S. 1704.1 et seq., P.L. 498

Industrial Development Assistance Law, Act of (May 31, 1956) 73 P.S. 351 et seq., P.L. 1911

Industrial Development Authority Law, Act of (May 17, 1957) 73 P.S. 301 et seq., P.L. 1609

Commerce Law, Act of (May 10, 1939), 71 P.S. 1709-1 et seq. P.L. 111

MINERAL RESOURCES CONSERVATION

Amending Act 484 (August 23, 1961) bringing clay mines within the scope (Subsidence Insurance) of the Act, Act of (July 1, 1971)

Coal Refuse Disposal Control Act, Act of (September 24, 1968) 52 P.S. 3051 et seq.

"Bituminous Mine Subsidence and Land Conservation Act", Act of (April 27, 1966), 52 P.S. 1406.1 et seq., P.L. 31

Interstate Mining Compact, Act of (May 5, 1966), 52 P.S. 3251 et seq., P.L. 40

"Pennsylvania Anthracite Coal Mine Act", Act of (November 10, 1965), 52 P.S. 3251 et seq., P.L. 40

"Pennsylvania Anthracite Coal Mine Act", Act of (November 10, 1965), 52 P.S. 70-101 et seq., P.L. 721

Act providing funds to alleviate pollution of streams from abandoned coal mines, Act of (December 15, 1965), 35 P.S. 760.1, P.L. 1075

"Coal Mine Subsidence Insurance Fund", Act of (August 23, 1961), as amended, 52 P.S. 3201 et seq., P.L. 1068

"Oil and Gas Conservation Law", Act of (July 25, 1961), 58 P.S. 401 et seq., P.L. 825

Laws relating to bituminous coal mines, Act of (July 17, 1961), 52 P.S. 701-101 et seq., P.L. 659

Relating to Subsidence Safety, Anthracite Coal, Act of (September 20, 1961), 52 P.S. 672.1 et seq., P.L. 1538

Relating to Mining in Safety Zones, Act of (December 22, 1959), 52 P.S. 3101 et seq., P.L. 1994

Providing for anthracite mine drainage, Act of (July 7, 1955), 52 P.S. 687 et seq., P.L. 258

"Coal Mine Sealing Act of 1947", Act of (June 30, 1947), 52 P.S. 28.1 et seq., P.L. 1177

PROMOTION OF AMENITIES

Outdoor Advertising Control Act of 1971, Act of (December 15, 1971), 32 P.S. 2718.101 et seq.

Regulating snowmobiles, providing registration and fees, and providing penalties, Act of (August 12, 1971)

Providing for roadside landscaping and scenic development Act of (September 27, 1966), 36 P.S. 670-413.1, P.L. 94

Act restricting the establishment and maintenance of junkyards along highways, Act of (July 28, 1966) 36 P.S. 2719.1 et seq., P.L. 91

Camp Regulation Act, Act of (November 10, 1959), 35 P.S. 3001 et seq., P.L. 1400

The Fish Law of 1925 Act of May 2, 1925, P.L. 448 as amended 30 P.S. 1 et seq.

Act creating the "Pennsylvania Historical and Museum Commission", Act of June 6, 1945 P.S. 61, 62, 70, 104, 142, 158, 716; P.L. 1398

Relating to wildlife land management and research, Act of (June 24, 1939), 34 P.S. 1311.944, P.L. 239

Penal Code, Act of (June 24, 1939) 18 P.S. 4101 et seq., P.L. 872, as amended

Workmen's Compensation Act, Act of (June 21, 1939), 77 P.S. 1 et seq., P.L. 1520

Occupational Disease Act, Act of (June 21, 1939), 77 P.S. 1201 et seq., P.L. 566

The Game Law, Act of (June 3, 1937), 34 P.S. 1311.1 et seq. P.L. 1225

ENVIRONMENTAL HEALTH AND WELL-BEING

Uniform Standards Code for Mobile Homes Act 69, May 11, 1972

Industrial Housing Act, Act 70, May 11, 1972

Pennsylvania Meat and Poultry Hygiene Law of 1968, Act of July 9, 1968, P.L. , 31 P.S. 438.1 et seq.

Housing Agency Law, P.L. 1688 (1959), 35 P.S. 1680, 101 et seq.

Pennsylvania Pesticide Act of 1957, Act of (1957), 63 P.S. 390-9, P.L. 248, P.L. 248

Local Health Administration Law, Act of (August 24, 1951) 16 P.S. 1201 et seq., P.L. 1304

Housing and Redevelopment Assistant Law, Act of (May 20, 1949) 35 P.S. 1661 et seq., P.L. 1633

Housing and Redevelopment Assistance Law, Act of (May 20, 1949) 72 P.S. 5860 612; 5860 701, 5860 703; P.L. 579

Pennsylvania Plant Pest Act of 1937, Act of (April 21, 1937), 3 P.S.
214-1 et seq., P.L. 318

General Safety Law, Act of (May 18, 1937), 43 P.S. 25-1 et seq.,
P.L. 654

Explosives Law, Act of (July 1, 1937), 73 P.S. 151 et seq., P.L.
2681

Milk Sanitation Law, Act of (1935), 31 P.S. 645 to 660g

Requiring permits for the sale of mineral, spring or bottled water to
protect the public health, Act of (April 30, 1929), 16 P.S. 9481

COMMONWEALTH NONDISCRIMINATION CLAUSE (All Contracts)



During the term of this contract, Contractor agrees as follows:

1. Contractor shall not discriminate against any employee, applicant for employment, independent contractor, or any other person because of race, color, religious creed, ancestry, national origin, age, or sex. Contractor shall take affirmative action to insure that applicants are employed, and that employees or agents are treated during employment, without regard to their race, color, religious creed, ancestry, national origin, age, or sex. Such affirmative action shall include, but is not limited to: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training. Contractor shall post in conspicuous places, available to employees, agents, applicants for employment, and other persons, a notice to be provided by the contracting agency setting forth the provisions of this nondiscrimination clause.

2. Contractor shall, in advertisements or requests for employment placed by it or on its behalf, state that all qualified applicants will receive consideration for employment without regard to race, color, religious creed, ancestry, national origin, age, or sex.

3. Contractor shall send each labor union or workers' representative with which it has a collective bargaining agreement or other contract or understanding, a notice advising said labor union or workers' representative of its commitment to this nondiscrimination clause. Similar notice shall be sent to every other source of recruitment regularly utilized by Contractor.

4. It shall be no defense to a finding of non-compliance with this nondiscrimination clause that Contractor had delegated some of its employment practices to any union, training program, or other source of recruitment which prevents it from meeting its obligations. However, if the evidence indicates that the Contractor was not on notice of the third-party discrimination or made a good faith effort to correct it, such factor shall be considered in mitigation in determining appropriate sanctions.

5. Where the practices of a union or any training pro-

gram or other source of recruitment will result in the exclusion of minority group persons, so that Contractor will be unable to meet its obligations under this nondiscrimination clause, Contractor shall then employ and fill vacancies through other nondiscriminatory employment procedures.

6. Contractor shall comply with all state and federal laws prohibiting discrimination in hiring or employment opportunities. In the event of Contractor's non-compliance with the nondiscrimination clause of this contract or with any such laws, this contract may be terminated or suspended, in whole or in part, and Contractor may be declared temporarily ineligible for further Commonwealth contracts, and other sanctions may be imposed and remedies invoked.

7. Contractor shall furnish all necessary employment documents and records to, and permit access to its books, records, and accounts by, the contracting agency and the Office of Administration, Bureau of Affirmative Action, for purposes of investigation to ascertain compliance with the provisions of this clause. If Contractor does not possess documents or records reflecting the necessary information requested, it shall furnish such information on reporting forms supplied by the contracting agency or the Bureau of Affirmative Action.

8. Contractor shall actively recruit minority subcontractors or subcontractors with substantial minority representation among their employees.

9. Contractor shall include the provisions of this nondiscrimination clause in every subcontract, so that such provisions will be binding upon each Subcontractor.

10. Contractor obligations under this clause are limited to the Contractor's facilities within Pennsylvania or, where the contract is for purchase of goods manufactured outside of Pennsylvania, the facilities at which such goods are actually produced.

EXECUTIVE ORDER 11246

NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.

2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Timetables	*Goals for minority participation in each trade	*Goals for female participation in each trade
	SEE ATTACHED APPENDIX B, C OR D	SEE ATTACHED APPENDIX A

* The hours of minority and female employment is to be reported monthly, by the contractor, on Standard Form 257 (to be supplied by the Pennsylvania Department of Transportation) and expressed in percentage terms of the Contractor's aggregate workhours for each trade (craft).

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area. If the contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and non-federally involved construction.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Pennsylvania Department of Transportation within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number of the subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed.

4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is indicated in the special provision entitled "E.E.O. Covered Area". Goals for females are listed in Appendix A, and for minorities includes the areas listed in Appendix B, C or D.

STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS
(EXECUTIVE ORDER 11246)

1. As used in these specifications:

- a. "Covered area" means the geographical area described in the solicitation from which this contract resulted;
- b. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;
- c. "Employer identification number" means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941; and
- d. "Minority " includes:
 - (1) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
 - (2) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);
 - (3) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and
 - (4) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

2. Whenever the contractor, or any subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitation from which this contract resulted.

3. If the contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which

it has employees. The overall good faith performance by other Contractors or Sub-contractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.

4. The Contractor shall implement the specific affirmative action standards provided in paragraphs 7a through p of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. Covered construction Contractors performing construction work in geographical areas where they do not have a Federal or Federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed. Goals are published periodically in the Federal Register in notice form, and such notices may be obtained from any Office of Federal Contract Compliance Programs office or from Federal procurement contracting officers. The Contractor is expected to make substantially uniform progress toward its goals in each craft during the period specified.

5. Neither the provisions of any collective bargaining agreement, nor the failures by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.

6. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.

7. The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its efforts to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:

a. Ensure and maintain a working environment free of harassment, intimidation, and coercion of all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.

b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available and maintain a record of the organizations' responses.

c. Maintain a current file of the names, addresses, and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was

taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefor, along with whatever additional actions the Contractor may have taken.

d. Provide immediate written notification to the Pennsylvania Department of Transportation when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.

e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources compiled under 7b above.

f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

g. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with on-site supervisory personnel such as Superintendents, General Foreman, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

h. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.

i. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.

j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractor's workforce.

k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.

l. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc; such opportunities.

m. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.

n. Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.

o. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.

p. Conduct a review, at least annually of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.

8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7a through p). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under 7a through p or these Specifications provided that the contractor actively participates in the group, make every effort to assure that the group has a positive impact on the employment of minorities and women in the Industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be a defense for the Contractor's noncompliance.

9. A single goal for minorities and a separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).

10. The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex or national origin.

11. The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.

12. The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.

13. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, regulations, or these specifications, the Pennsylvania Department of Transportation shall proceed in accordance with 41 CFR 60-4.8.

14. The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, Contractors shall not be required to maintain separate records.

15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area resident (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

APPENDIX A

The following goals and timetables for female utilization shall be included in all Federal and federally assisted construction contracts and subcontracts in excess of \$10,000. The goals are applicable to the contractor's aggregate on-site construction workforce (public and private) whether or not part of that workforce is performing work on a Federal or federally assisted construction contract or subcontract.

AREA COVERED: See special provision entitled "E.E.O. Covered Area"

GOALS AND TIMETABLES

<u>Timetable</u>	<u>Goals (Percent)</u>
From April 1, 1980, until further notice	6.9

Goals are applicable in each construction craft employed by the contractor in the covered area.

APPENDIX B

Until further notice, the following goals for minority utilization in each construction craft shall be included in Federal or federally assisted construction contracts and subcontracts in excess of \$10,000 to be performed in the respective covered areas in the Commonwealth of Pennsylvania. The goals are applicable to the contractor's aggregate on-site construction workforce regardless of whether that workforce is performing work on a Federal, federally assisted or non-federally related construction contract or subcontract. This Appendix B shall be used jointly with Appendix A.

E C O N O M I C A R E A S

AREA	GOAL (PERCENT)	AREA	GOAL (PERCENT)
<u>Scranton - Wilkes-Barre PA</u>		<u>Pittsburgh, PA (Continued)</u>	
SMSA Counties:		Non-SMSA Counties.....	4.8
Northeast Pennsylvania.....	0.6	PA Armstrong; PA Bedford;	
PA Lackawanna; PA Luzerne;		PA Butler; PA Fayette; PA Greene;	
PA Monroe		PA Indiana; MD Allegheny;	
Non-SMSA Counties.....	0.5	MD Garrett; WV Mineral	
PA Columbia; PA Wayne; PA Wyoming			
<u>Williamsport, PA</u>		<u>Harrisburg - York - Lancaster, PA</u>	
SMSA Counties:		SMSA Counties:	
Williamsport, PA.....	1.0	Harrisburg, PA.....	6.2
PA Lycoming		PA Cumberland; PA Dauphin;	
Non-SMSA Counties.....	0.7	PA Perry	
PA Cameron; PA Centre;		Lancaster, PA.....	2.0
PA Clearfield; PA Clinton;		PA Lancaster	
PA Elk; PA Jefferson; PA Montour;		York, PA.....	2.2
PA Northumberland; PA Snyder;		PA Adams; PA York	
PA Sullivan; PA Union		Non-SMSA Counties.....	3.1
		PA Franklin; PA Fulton;	
<u>Erie, PA</u>		PA Huntingdon; PA Juniata;	
SMSA Counties:		PA Lebanon; PA Mifflin	
Erie, PA.....	2.8		
PA Erie		<u>Philadelphia, PA</u>	
Non-SMSA Counties.....	1.8	SMSA Counties:	
PA Clarion; PA Crawford;		Allentown-Bethlehem-	
PA Forest; PA Venango; PA Warren		Easton, PA-NJ.....	1.6
		PA Carbon; PA Lehigh;	
<u>Pittsburgh, PA</u>		PA Northampton; NJ Warren	
SMSA Counties		Philadelphia, PA-NJ.....	17.3
Altoona, PA.....	1.0	PA Bucks; PA Chester;	
PA Blair		PA Delaware; PA Montgomery;	
Johnstown, PA.....	1.3	PA Philadelphia; NJ Burlington;	
PA Cambria; PA Somerset		NJ Camden; NJ Gloucester	
Pittsburgh, PA.....	6.3	Reading, PA.....	2.5
PA Beaver; PA Washington;		PA Berks	
PA Westmoreland		Non-SMSA Counties.....	14.5
		PA Schuylkill; DE Kent; DE Sussex;	
		NJ Cape May	

ECONOMIC AREAS

AREA	GOAL (PERCENT)	AREA	GOAL (PERCENT)
<u>Buffalo, NY</u>		<u>New York, NY</u>	
Non-SMSA Counties.....	6.3	Non-SMSA Counties.....	17.0
PA McKean; PA Potter;		PA Pike; NJ Hunterdon; NJ Ocean;	
NY Allegany; NY Cattaraugus;		NJ Sussex; NY Orange; NY Sullivan;	
NY Chautauqua; NY Wyoming		NY Ulster	
<u>Binghamton-Elmira, NY</u>			
SMSA Counties:			
Binghamton, NY-PA.....	1.1		
PA Susquehanna; NY Broome;			
NY Tioga			
Non-SMSA Counties.....	1.2		
PA Bradford; PA Tioga, NY Chenango;			
NY Delaware; NY Otsego;			
NY Schuyler; NY Steuben;			
NY Tompkins			

